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TITLE 3—THE PRESIDENT

PROCLAMATION 2946

TERMINATING THE PERUVIAN TRADE AGREEMENT PROCLAMATION AND SUPPLEMENTING PROCLAMATION NO. 2764 [1] OF JANUARY 1, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 (a) of the Tariff Act of 1930, as amended, the President of the United States entered into a trade agreement with the President of the Republic of Peru on May 7, 1942 (56 Stat. 1510), and by Proclamation of June 29, 1942 (56 Stat. 1509) proclaimed the said trade agreement effective on and after July 29, 1942;

2. WHEREAS the Government of the United States and the Government of the Republic of Peru recorded in an exchange of notes dated September 12, 1951 and September 28, 1951, the understanding that the above-mentioned trade agreement will expire on October 7, 1951;

3. WHEREAS, as set forth in Proclamation No. 2764 of January 1, 1948 (3 CFR 1948 Supp., p. 11), on October 30, 1947, the President entered into an exclusive trade agreement with the Government of the Republic of Cuba (Treaties and Other International Acts Series 1703), paragraph 2 (c) (ii) of which provides that certain products of the Republic of Cuba which would have been subject to ordinary customs duty if imported into the United States on April 10, 1947, and which are of a kind which the United States Government shall determine to have been imported into its territory as products of Cuba in any quantity during any of the calendar years 1937, 1939, 1944, and 1945, shall be entitled upon importation into the United States to a margin of preference in the applicable rate of duty equal to the absolute difference between the most-favored-nation rate for the like products existing on April 10, 1947, and the preferential rate likewise existing on that date with respect to such products of the Republic of Cuba;

4. WHEREAS it has been determined in accordance with paragraph 2 (c) (ii) of the said exclusive trade agreement that ginger root, candied, or otherwise prepared or preserved, was imported into the territory of the United States as a product of Cuba in some quantity during the calendar years 1937, 1939, 1944, or 1945;

5. WHEREAS the most-favored-nation rate for ginger root, candied, or otherwise prepared or preserved, existing on April 10, 1947, was 10 per centum ad valorem, which rate was established by the proclamation of June 29, 1942, mentioned in the first recital hereof, and the preferential rate likewise existing on that date with respect to such ginger root, the product of Cuba, was 8 per centum ad valorem, wherefore the absolute difference between this most-favored-nation rate and this preferential rate was 2 per centum ad valorem;

6. WHEREAS the termination of the said proclamation of June 29, 1942, pursuant to the notes exchanged between the Government of the United States and the Government of the Republic of Peru mentioned in the second recital hereof, will result in the reestablishment as the most-favored-nation rate on ginger root, candied, or otherwise prepared or preserved, the rate of 20 per centum ad valorem provided for in paragraph 778 of the Tariff Act of 1930, and following such termination the rate of duty for such ginger root, the product of Cuba, conforming to the provisions of paragraph 2 (c) (ii) of the said exclusive trade agreement with Cuba will be 18 per centum ad valorem; and

7. WHEREAS I determine that the application of such rate of 18 per centum ad valorem to ginger root, candied, or otherwise prepared or preserved, the product of Cuba, on and after October 7, 1951, is required or appropriate to carry out the said exclusive trade agreement with Cuba:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 (a) of the

(Continued on next page)

[1] 13 F. R. 21.

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Tariff Act of 1930, as amended, do proclaim as follows:

PART I

That said proclamation of June 29, 1942, relating to the said trade agreement with the Republic of Peru, shall be terminated in whole on October 7, 1951.

PART II

That the list set forth in the ninth recital of the said proclamation of Janu-

ary 1, 1948, as amended and rectified, which list sets out the rates of duty applicable to certain products of the Republic of Cuba, shall be further amended by changing the rate in item 778 of such list, pertaining to ginger root, candied, or otherwise prepared or preserved, from "8% ad val." to "18% ad val." effective on and after October 7, 1951.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of October in the year of our Lord nineteen hundred and [SEAL] fifty-one and of the Independence of the United States of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

By the President:

JAMES E. WEBB,
Acting Secretary of State.

[F. R. Doc. 51-12158; Filed, Oct. 5, 1951; 10:26 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF EGGS AND EGG PRODUCTS

RECODIFICATION

The regulations of Part 55 formerly governing the sampling, grading, grade labeling and supervision of packaging of butter, cheese, eggs, poultry and dressed domestic rabbits were divided into Parts 55, 58 and 70, covering eggs and egg products, dairy products, and poultry and dressed domestic rabbits, respectively. The regulations under Part 70, effective January 1, 1950 (14 F. R. 6835), and the regulations under Part 58, effective July 1, 1951 (16 F. R. 6495), superseded the provisions applicable to their respective products formerly contained in Part 55. The regulations under Part 55 were also amended on July 1, 1951 (16 F. R. 6337). Therefore, it is deemed advisable to recodify in the interest of clarity and to delete where necessary any references made to the products now superseded by the aforesaid regulations. This action is taken pursuant to authority contained in the Department of Agriculture Appropriations Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951).

The recodification will not make any changes in the currently effective provisions of the regulations which are now solely applicable to eggs and egg products.

The Department finds that it is unnecessary and contrary to the public interest to give notice, engage in public rule making and postpone the effective date of these regulations until (30) thirty days after publication in the FEDERAL REGISTER for the reasons that (1) the recodification does not involve any changes in the currently effective regulations and is meant merely to clarify the regulations, (2) no useful purpose would be served by engaging in public procedures, and (3) it is essential that the industry be afforded a practical working set of regulations as soon as possible; therefore, the regulations of Part 55 here issued shall become effective immediately upon publication in the FEDERAL REGISTER.

The regulations are hereby recodified as follows:

DEFINITIONS

ADMINISTRATION

GRADING SERVICE

APPLICATION FOR GRADING, INSPECTION, AND SAMPLING

APPEAL GRADING AND REGRADING

LICENSED GRADERS, INSPECTORS, SAMPLERS, AND SUPERVISORS OF PACKAGING

FEES AND CHARGES

MARKING, BRANDING, AND IDENTIFYING PRODUCT

PREREQUISITES TO PACKAGING PRODUCTS WITH GRADE IDENTIFICATION LABELS

MISCELLANEOUS

AUTHORITY: §§ 55.1 to 55.61 issued under Pub. Law 135, 82d Cong.

DEFINITIONS

§ 55.1 *Meaning of words.* Under the regulations in this part, words in the singular shall be deemed to import the plural and vice versa, as the case may demand.

§ 55.2 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

(a) "Act" means the following provisions of the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951), or any future act of Congress conferring like authority:

* * * Market inspection of farm products: For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered * * *

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or

to whom there may hereafter be delegated, the authority to act in his stead.

(d) "Administration" means the Production and Marketing Administration of the Department.

(e) "Administrator" means the Administrator of the Production and Marketing Administration of the Department or any other officer or employee of the Department, to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(f) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(g) "Interested party" means any person financially interested in a transaction involving any grading, appeal grading, or regrading of any product.

(h) "Applicant" means an interested party who requests any grading service, appeal grading, or regrading with respect to any product.

(i) "Grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the act and this part, to shippers of products and other interested parties the class, quality, and condition of such products.

(j) "Sampler" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to draw samples of products for grading by a grader or for lot analysis under the act and this part.

(k) "Inspector" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify the condition and wholesomeness of products.

(l) "Supervisor of packaging" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to supervise the packaging and grade labeling of products.

(m) "Product" or "products" means eggs (whether shell, liquid, frozen, or dried), egg products, and such other perishable farm products as the Secretary may hereafter designate. Such term shall also include any food product which is prepared or manufactured from any product if such product constitutes at least 50 percent, by weight, of all the ingredients used in the preparation or manufacture of such food product.

(n) "Office of grading" means the office of any grader, sampler or inspector.

(o) "Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the act and this part, relative to the class, quality, and condition of products.

(p) "Sampling report" means a statement, either written or printed, issued by a sampler, identifying samples taken by him for grading.

(q) "Grading" means (1) the act of determining, according to the regulations, the class, quality, or condition of any product by examining each unit thereof or a representative sample drawn by a grader or sampler; (2) the act of issuing a grading certificate; or (3) the act of identifying, when requested by the applicant, any product by means of official identification pursuant to the act and this part.

(r) "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, species, or method of processing.

(s) "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(t) "Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability.

(u) "Sampling" means the act of taking samples of any product for grading.

(v) "Official identification" means the symbol represented by a stamp, label, seal, mark, or other device approved by the Administrator, affixed to any product or to any container thereof, stating that the product was graded or inspected and indicating the class, quality, grade, or condition of such product as determined by a grader.

(w) "Regulations" means the provisions in this part.

(x) "Grading service" or "continuous inspection" means (1) any grading, in accordance with the act and the regulations, of any product, (2) continuous supervision, in any official plant, of the preparation or packaging of any product, (3) any regrading of any previously graded product, or (4) any appeal grading of any previously graded product.

(y) "Official plant" means any plant in which the facilities and methods of operation therein have been found by the Administrator to be suitable and adequate for grading service in accordance with this part.

(z) "National supervisor" means (1) the officer in charge of the egg grading service of the Administration and (2) such other employee of the Administration as may be designated by him.

ADMINISTRATION

§ 55.3 *Authority.* The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the act and this part.

GRADING SERVICE

§ 55.4 *Kind of service.* Any grading service performed in accordance with this part may be for class, quality, and condition, and such service shall be subject to supervision at any time by the National Supervisor.

§ 55.5 *Where grading service is offered.* Any product may be graded, inspected, and sampled wherever a grader, sampler, or inspector is available and the facilities and the conditions are satisfactory for the conduct of the grading service.

§ 55.6 *Filing of application.* An application for grading, inspection, or sampling of a specified lot of any product shall be regarded as filed only when made pursuant to this part.

APPLICATION FOR GRADING, INSPECTION, AND SAMPLING

§ 55.7 *Who may obtain grading, inspection, and sampling service.* An application for grading, inspection, or sampling service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 55.8 *How to make application.* An application for any grading service may be made in any office of grading, or with any grader, sampler, or inspector at or nearest the place where the service is desired. Such application for service may be made orally (in person or by telephone), in writing, or by telegraph. If an application for grading service is made orally, the office of grading, grader, sampler, or inspector with whom such application is made, or the Administrator, may require that the application be confirmed in writing.

§ 55.9 *Form of application.* Each application for grading, inspecting, or sampling a specified lot of any product shall include such information as may be required by the Administrator in regard to the product and the premises where such product is to be graded, inspected, or sampled.

§ 55.10 *Granting of application.* An application for continuous inspection may be approved only with respect to an official plant.

§ 55.11 *When application may be rejected.* Any application for grading service or sampling service may be rejected by the Administrator (a) whenever the product involved is owned by, or located on the premises of, a person currently denied the benefits of the act, or (b) for noncompliance by the applicant with the act or the regulations; and each such applicant shall be notified immediately of the reasons for the rejection.

§ 55.12 *When application may be withdrawn.* An application for grading service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 55.13 *Authority of applicant.* Proof of the authority of any person applying for any grading service may be required at the discretion of the Administrator.

§ 55.14 *Accessibility and condition of product.* Each product for which grading service is requested shall be so conditioned and placed as to permit a proper determination of the class, quality, or condition of such product.

§ 55.15 *Disposition of graded product.* Any product, or sample thereof, which has been graded may be returned to the applicant at his request and at his expense if such request was made at the time of application for the grading service. In the event the aforesaid request was not made at the time of application

for the grading service, the product or sample may be disposed of in such manner as the Administrator may approve.

§ 55.16 *Basis of grading service.* Products shall be graded in accordance with such standards, methods, and instructions as may be issued, or approved, by the Administrator. The supervision of packaging graded products shall be in accordance with such instructions as may be issued, or approved, by the Administrator.

§ 55.17 *Order of service.* Grading service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal grading.

§ 55.18 *Grading certificates and sampling report forms.* Grading certificates (including appeal grading certificates and regrading certificates) and sampling report forms shall be issued on forms approved by the Administrator.

§ 55.19 *Grading certificate issuance.* Each grader and each inspector shall issue a grading certificate covering each product graded; but in no case shall a grader or inspector sign any certificate covering any product not graded by him.

§ 55.20 *Disposition of grading certificates.* The original of any grading certificate, issued pursuant to § 55.19, and not to exceed three copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading serving the area in which the grading service was performed, and all other copies shall be filed in such manner as the Administrator may approve. Additional copies of any such certificate may be supplied to any interested party as provided in § 55.41.

§ 55.21 *Advance information.* Upon request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

APPEAL GRADING AND REGRADING

§ 55.22 *When appeal grading may be requested.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate, if the identity of the samples, or the product, has not been lost; and such application for an appeal grading shall be made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

§ 55.23 *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor (a) with the Administrator, (b) with the grader or inspector who issued the grading certificate with respect to which the appeal grading is requested, (c) with the immediate superior of such grader or inspector, or (d) with the officer in charge of any office of grading. The application for appeal grading shall state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

§ 55.24 *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

§ 55.25 *When an application for an appeal grading may be refused.* If it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products graded cannot be made accessible for regrading, or the act or this part has not been complied with, the Administrator may refuse the applicant's request for the appeal grading; and such applicant shall be promptly notified of the reason for such refusal.

§ 55.26 *When an application for an appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant of all expenses incurred by the Administration in connection with such application.

§ 55.27 *Order in which appeal gradings are performed.* Appeal gradings shall be performed, insofar as practical, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 55.17.

§ 55.28 *Who shall make appeal gradings.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

§ 55.29 *Appeal grading certificate.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading; and such certificate shall supersede the grading certificate previously issued for the product involved. Each appeal grading certificate shall clearly identify the number and date of the grading certificate which it supersedes; and such supersedure shall be effective as of the time of issuance of the appeal grading certificate. The provisions of §§ 55.18 to 55.21, both inclusive, shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 55.30 *Regrading of a graded product; application for regrading of a graded product*—(a) *Regrading of a graded product.* Whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

(b) *Application for regrading of a graded product.* An application for the regrading of any previously graded product may be made at any time by any interested party; and such application shall clearly indicate the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

§ 55.31 *Regrading certificate.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall supersede the grading certificate previously issued for the product involved. Each regrading certificate shall clearly identify the number and date of the grading certificate which it supersedes; and such supersedure shall be effective as of the time of issuance of the regrading certificate. The provisions of §§ 55.18 to 55.21, both inclusive, shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 55.32 *Superseded certificates.* Whenever any grading certificate is superseded in accordance with this part, such certificate shall become null and void and, after the effective time of the supersedure, shall no longer represent the class, quality, or condition of the product described therein. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

LICENSED GRADERS, INSPECTORS, SAMPLERS, AND SUPERVISORS OF PACKAGING

§ 55.33 *Who may be licensed.* Any person possessing proper qualifications, as determined by an examination for competency, may be licensed by the Secretary as a grader, inspector, sampler, or supervisor of packaging. Such examination shall be held at such time and in such manner as may be prescribed by the Administrator. All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading and inspection service of the Administration. Any prospective licensee, other than a Federal or State employee, shall, prior to the granting of the license, procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such licensee under the act and this part.

§ 55.34 *Limited license may be issued.* To any person possessing proper qualifications, as determined by the Administrator, there may be issued a limited license by the Secretary to perform the following functions: (a) To candle and grade eggs on the basis of Official United States Standards of Quality of Individual Shell Eggs with respect to eggs purchased from producers or eggs to be packaged with official identifications, and (b) to inspect liquid and frozen eggs that are produced under the supervision of an inspector. No person to whom a limited license is issued by the Secretary shall have the authority to issue any grading certificate; and all eggs (whether shell, liquid, or frozen) which are graded and inspected by any such person shall thereafter be check-graded and check-inspected by a grader or an inspector. All limited licenses, issued as aforesaid, shall be countersigned by the aforesaid officer in charge of the poultry grading and inspection service of the Administration.

§ 55.35 *Suspension of license.* Pending final action by the Secretary the aforesaid officer in charge of the poultry grading and inspection service may, whenever he deems such action necessary, suspend any license or limited license issued pursuant to this part, by giving notice of such suspension to the respective licensee or limited licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee or limited licensee, he may file an appeal in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or limited license should not be suspended or revoked. After the expiration of the aforesaid seven day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation.

§ 55.36 *Cancellation of license.* Upon termination of his services as a grader, inspector, sampler, or supervisor of packaging, each licensee and limited licensee shall surrender his license immediately for cancellation.

§ 55.37 *Surrender of license.* Each license and each limited license which is cancelled, suspended, or has expired shall immediately be surrendered by the licensee or limited licensee to the office of grading serving the area in which he is located.

FEES AND CHARGES

§ 55.38 *Payment of fees and charges.* (a) Fees and charges for any grading service shall be paid by the interested party making the application for such grading service, in accordance with the applicable provisions of this section and §§ 55.39 to 55.47, both inclusive; and, if so required by the grader, inspector, or sampler, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading service performed by any grader, inspector, or sampler who is a salaried employee of the Department, shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by the interested party making application for such grading service by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(c) Fees and charges for any grading service under a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement by the interested party making application for any such grading service.

§ 55.39 *On a fee basis.* (a) Unless otherwise provided in this part, the fees to be charged and collected for any service (other than for an appeal grading) performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in §§ 55.43 to 55.45, both inclusive.

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in §§ 55.43 to 55.45, both inclusive, but shall be based on the time required to perform such service and the travel of each sampler, grader, inspector, and supervisor of packaging at the rate of $3.60 per hour for the time actually required.

(c) If an applicant requests that any grading service be performed on a holiday or a non-work day, he may be charged for such service at a rate one and one-half times the rate which would otherwise be applicable for such service if performed other than on a holiday or non-work day.

§ 55.40 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided,* That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be the same as set forth in the grading certificate from which the appeal is taken. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

§ 55.41 *Fees for additional copies of grading certificates.* Additional copies of any grading certificates, other than those provided for in § 55.20, may be supplied to any interested party upon payment of a fee of $1.00 for each set of five, or fewer copies.

§ 55.42 *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service.

§ 55.43 *Egg grading and inspection fees.* For each grading, or regrading pursuant to § 55.30 (b), of any lot of eggs, the following fees shall be applicable and shall be computed on the basis of the number of packages in such lot:

(a) *Shell eggs.*

	Fee
For 10 packages or less	$1.50
For 11 to 25 packages, inclusive	2.50
For 26 to 50 packages, inclusive	3.00
For 51 to 100 packages, inclusive	5.00
For 101 to 200 packages, inclusive	7.00
For 201 to 300 packages, inclusive	9.00
For 301 to 400 packages, inclusive	11.00
For 401 to 600 packages, inclusive	15.00
For each additional 100 packages, or fraction thereof, in excess of 600 packages	1.50

(b) *Frozen eggs*—(1) *Inspection for condition only.*

	Fee
For 50 packages or less	$2.00
For 51 to 100 packages, inclusive	2.75
For each additional 100 packages, or fraction thereof, in excess of 100 packages	.50
When each individual package in any lot is inspected for condition only, the fee for each package inspected shall be	.12

(2) *Inspection for condition and sampling for laboratory anaysis.*

	Fee
For 50 packages or less	$3.00
For 51 to 100 packages, inclusive	3.75
For each additional 100 packages, or fraction thereof, in excess of 100 packages	.75

§ 55.44 *Fees for laboratory analyses.* (a) For each of the following laboratory analyses, the fee referable thereto shall be applicable except as otherwise provided in paragraph (b) of this section:

(1) *Dried whole eggs.*

	Fee
Solids	$1.50
Fat	2.00
Solubility	.50
Palatability	.50

(2) *Dried yolks.*

	Fee
Solids	$1.50
Fat	2.00
Solubility	.50
Palatability	.50
Sugar	3.00

(3) *Dried albumen.*

	Fee
Flake, size of particle	$0.50
Solids	1.50
Whipping test	1.00

(4) *Frozen whole eggs.*

	Fee
Solids	$2.00
Fat	2.00

(5) *Frozen whites.*

	Fee
Fat test	$2.00
Whipping test	1.00
Solids	2.00

(6) *Frozen yolks.*

	Fee
Solids	$2.00
Fat	2.00
Volumetric test	3.00

(7) *Bacteriological analyses and specified determinations with respect to products listed in subparagraphs (1) through (6) of this paragraph.*

	Fee
Plate count	$1.00
Direct count	1.00
E. coli count	1.00
Yeast and mold count	1.00
Color	1.00
Sediment	1.00
Salt	5.00
pH	.50

(b) The fees specified in this section shall apply as indicated, except when the analysis is for flavor or palatability only, in which case the fee shall be $1.00 for such analysis.

§ 55.45 *Additional charges.* With respect to any grading service performed in a freight or express car or any other place where the entire lot of the product is not readily accessible to the grader, inspector, or sampler, if the time required for the performance of such service is greater than would otherwise be required if the entire lot were readily accessible, as aforesaid, a fee of $4.00 shall be charged in addition to the applicable rates specified in §§ 55.43 to 55.44, both inclusive.

§ 55.46 *On a contract basis.* Fees to be charged and collected for any service, other than for an appeal grading, on a contract basis, shall be such as are provided in such contract. The fees to be charged for any appeal grading shall be as provided in §§ 59.39 to 55.44, both inclusive.

§ 55.47 *Fees for grading service performed under cooperative agreement.* The fees to be charged and collected for any service performed under cooperative agreement shall be those provided for by such agreement.

MARKING, BRANDING, AND IDENTIFYING PRODUCT

§ 55.48 *Authority to use official identification.* Whenever the Administrator determines that the granting of authority to any person to package any product, graded pursuant to this part, and to use official identification, pursuant to §§ 55.49 to 55.55, both inclusive, will not be inconsistent with the act and this part, he may authorize such use of official identification. An application for such authority shall be submitted to the Administrator in such form as he may require.

§ 55.49 *Approval of official identification.* Any grade label, inspection mark, or packaging material which is to be used as official identification shall be used only in such manner as the Administrator may prescribe; and such label, inspection mark, and packaging material shall be of such form and contain such information as the Administrator may require. No grade label, inspection mark, or packaging material may be used in the identification of any graded or inspected product unless finished copies or samples of such grade label, inspection mark, and packaging material have been approved by the Administrator.

§ 55.50 *Information required on official identification label.* (a) Each grade label which is to be used as official identification shall conspicuously indicate the U. S. grade of the product it identifies and shall include one of the following phrases: "Officially graded," "Federal-State graded," "Federal graded," or "Government graded." When required by the Administrator, the grade label shall also include all or any portion of the information set forth in paragraph (b) of this section.

(b) When eggs have been graded pursuant to this part and are packaged, the grade identification label affixed to each such package shall have stamped thereon the date of grading unless such label is printed on the carton, in which case the date of grading shall be shown on the seal used to close the package.

§ 55.51 *Time limit for packaging graded eggs with grade identification labels.* Any lot of eggs which is graded pursuant to this part may be packaged only within 3 days immediately following the grading.

§ 55.52 *Supervisor of packaging required.* The official identification of any graded or inspected product, as provided in §§ 55.49 to 55.55, both inclusive, shall be done only under the supervision of a grader, inspector, or supervisor of packing. The authority to use grade identification labels may be granted by the Administrator only to applicants who make the services of a supervisor of packaging available for use in accordance with this part.

PREREQUISITES TO PACKAGING PRODUCTS WITH GRADE IDENTIFICATION LABELS

§ 55.53 *Packing and packaging room and equipment shall be clean and sanitary.* Each applicant who is granted the authority to package any product with a grade identification label and who operates, for such purpose, an egg grading and packaging room shall maintain the room and the equipment therein in a clean and sanitary condition and, in addition, in accordance with the instructions of the Administrator.

§ 55.54 *Candling and grading requirements of shell eggs for packaging with grade identification labels.* Shell eggs shall not be packaged with any grade identification label unless such eggs are first candled and graded (a) by a grader or (b) by a limited licensee, pursuant to § 55.34 and thereafter check-graded by a grader.

§ 55.55 *When cold storage eggs may be packaged with grade identification labels.* Cold storage shell eggs may be packaged with grade identification labels only after such shell eggs have been adequately tempered prior to grading Their flavor and odor shall be pleasing and desirable, and not more than slightly lacking in freshness as evidenced by organoleptic examination.

MISCELLANEOUS

§ 55.56 *Fraud or misrepresentation.* Any wilful misrepresentation or deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of any application for any grading service, appeal, or regarding service;

(b) The use of any grading certificate, issued pursuant to this part, or the use of any official identification;

(c) The use of the words "Government graded," "Officially graded," "Federal-State graded," or words of similar import in the labeling or advertising of any product without stating in conjunction therewith the official U. S. grade of the product.

(d) The use of any of the aforesaid words or an official identification in the labeling or advertising of any product that has not been graded pursuant to this part;

(e) The use of a facsimile form which simulates in whole or in part any official identification for the purpose of purporting to evidence the U. S. Grade of any product; or

(f) Any wilful violation of the regulations or the supplementary rules and instructions issued by the Administrator;

may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and pending investigation and hearing the Administrator may, without hearing, direct that such person shall be denied the benefits of the act.

§ 55.57 *Political activity.* All graders, inspectors, and samplers are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave or absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 55.58 *Report of violations.* Each grader, inspector, sampler, and supervisor of packaging shall report, in the manner prescribed by the Administrator, all violations and noncompliances under the act and this part of which such grader, inspector, sampler, or supervisor of packaging has knowledge.

§ 55.59 *Interfering with a grader, inspector, or sampler.* Any further benefits of the act may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, a grader, inspector, or sampler in the performance of his duties.

§ 55.60 *Publications.* Publications under the act and this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 55.61 *Identification.* All graders, inspectors, samplers, supervisors of packaging, and persons holding limited licenses shall each have in possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

Issued at Washington, D. C., this 2d day of October 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-12078; Filed, Oct. 5, 1951; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 403]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.510 *Lemon Regulation 403*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 3, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 7, 1951, and ending at 12:01 a. m., P. s. t., October 14, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 225 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 4th day of October 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: Sept. 30, 1951]

DISTRICT NO. 2

[12:01 a. m. Oct. 7, 1951, to 12:01 a. m. Oct. 21, 1951]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.065
American Fruit Growers, Inc., Fullerton	.341
American Fruit Growers, Inc., Upland	.186
Eadington Fruit Co	.125
Hazeltine Packing Co	.486
Ventura Coastal Lemon Co	2.246
Ventura Pacific Co	1.993
Glendora Lemon Growers Association	1.924
La Verne Lemon Association	.758
La Habra Citrus Association	.733
Yorba Linda Citrus Association, The	.367
Escondido Lemon Association	2.332
Alta Loma Heights Citrus Association	.715
Etiwanda Citrus Fruit Association	.516
Mountain View Fruit Association	.337
Old Baldy Citrus Association	1.015
San Dimas Lemon Association	1.766
Upland Lemon Growers Association	6.879
Central Lemon Association	.486
Irvine Citrus Association, The	.497
Placentia Mutual Orange Association	.247
Corona Citrus Association	.193
Corona Foothill Lemon Co	1.505
Jameson Co	.640
Arlington Heights Citrus Co	.466
College Heights Orange & Lemon Association	3.393
Chula Vista Citrus Association, The	1.150
El Cajon Valley Citrus Association	.028
Escondido Cooperative Citrus Association	.213
Fallbrook Citrus Association	1.415
Lemon Grove Citrus Association	.231
Carpinteria Lemon Association	3.647
Carpinteria Mutual Citrus Association	4.226

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Goleta Lemon Association	5.985
Johnston Fruit Co	6.920
North Whittier Heights Citrus Association	.487
San Fernando Lemon Association	1.385
Sierra Madre-Lamanda Citrus Association	.777
Briggs Lemon Association	2.172
Culbertson Lemon Association	2.172
Fillmore Lemon Association	1.047
Oxnard Citrus Association	5.789
Rancho Sespe	.830
Santa Clara Lemon Association	4.038
Santa Paula Citrus Fruit Association	3.089
Saticoy Lemon Association	4.134
Seaboard Lemon Association	4.296
Somis Lemon Association	3.263
Ventura Citrus Association	1.334
Ventura County Citrus Association	.022
Limoneira Co	2.248
Teague-McKevett Association	.828
East Whittier Citrus Association	.229
Leffingwell Rancho Lemon Association	.555
Murphy Ranch Co	.956
Chula Vista Mutual Lemon Association	.607
Index Mutual Association	.147
La Verne Cooperative Citrus Association	1.850
Orange Belt Fruit Distributors	.697
Ventura County Orange & Lemon Association	2.834
Whittier Mutual Orange & Lemon Association	.038
Latimer, Harold	.024
MacDonald Fruit Co	.000
Paramount Citrus Association, Inc.	.122
Uyeji, Kikuo	.003
Evans Bros. Packing Co	.001

[F. R. Doc. 51-12146; Filed, Oct. 5, 1951; 8:54 a. m.]

[Orange Reg. 392]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.538 *Orange Regulation 392*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is

based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on October 4, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto to which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., October 7, 1951, and ending at 12:01 a. m., P. s. t., October 14, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,000 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of October 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Oct. 7, 1951 to 12:01 a. m., P. s. t., Oct. 14, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0358
A. F. G. Corona	.0408
A. F. G. Fullerton	1.1508
A. F. G. Orange	.4102
A. F. G. Riverside	.1348
A. F. G. San Juan Capistrano	.7060
A. F. G. Santa Paula	.4683
Eadington Fruit Co., Inc	5.7950
Hazeltine Packing Co	.2969
Krinard Packing Co	.2733
Placentia Cooperative Orange Association	.7243
Placentia Pioneer Valencia Growers Association	1.0726
Signal Fruit Association	.0453
Azusa Citrus Association	.5427
Covina Citrus Association	1.2400
Covina Orange Growers Association	.5771
Damerel-Allison Association	.7474
Glendora Citrus Association	.3082
Glendora Mutual Orange Association	.3658
Valencia Heights Orchard Association	.5657
Gold Buckle Association	.1877
La Verne Orange Association	.6411
Anaheim Valencia Orange Association	1.3288
Fullerton Mutual Orange Association	3.0572
La Habra Citrus Association	.9262
Yorba Linda Citrus Association, The	1.1962
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.0330
Citrus Fruit Growers	.1463
Etiwanda Citrus Fruit Association	.0118
Old Baldy Citrus Association	.0821
Rialto Heights Orange Growers	.0536
Upland Citrus Association	.3330
Upland Heights Orange Association	.0562
Consolidated Orange Growers	2.0571
Frances Citrus Association	1.4780
Garden Grove Citrus Association	1.7285
Goldenwest Citrus Association	2.1022
Irvine Valencia Growers	3.6254
Olive Heights Citrus Association	3.0569
Santa Ana-Tustin Mutual Citrus Association	1.0712
Santiago Orange Growers Association	4.6607
Tustin Hills Citrus Association	2.1752
Villa Park Orchard Association	2.3256
Bradford Bros., Inc	.9489
Placentia Mutual Orange Association	4.0737
Placentia Orange Growers Association	4.0664
Yorba Orange Growers Association	.9083
Call Ranch	.0584
Corona Citrus Association	.4557

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Jameson Co	0.0951
Orange Heights Orange Association	.6104
Crafton Orange Growers Association	.2661
East Highlands Citrus Association	.0625
Redlands Heights Groves	.1958
Redlands Orangedale Association	.1703
Rialto-Fontana Citrus Association	.1026
Break & Son, Allen	.0477
Bryn Mawr Fruit Growers Association	.1089
Mission Citrus Association	.0884
Redlands Cooperative Fruit Association	.1191
Redlands Orange Growers Association	.0922
Redlands Select Groves	.2189
Rialto Orange Co	.1945
Southern Citrus Association	.1202
United Citrus Growers	.0845
Zilen Citrus Co	.0171
Arlington Heights Citrus Co	.1156
Brown Estate, L. V. W	.0543
Gavilan Citrus Association	.0618
Highgrove Fruit Association	.0533
McDermont Fruit Co	.1198
Monte Vista Citrus Association	.1194
National Orange Co	.0367
Riverside Citrus Association	.0050
Riverside Heights Orange Growers Association, The	.0312
Sierra Vista Packing Association	.0308
Victoria Ave. Citrus Association	.1297
Claremont Citrus Association	.1192
College Heights Orange & Lemon Association	.1367
Indian Hill Citrus Association	.2056
Pomona Fruit Growers Exchange	.3428
Walnut Fruit Growers Association	.5740
West Ontario Citrus Association	.1389
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	.2631
Sanoga Citrus Association	.5549
North Whittier Heights Citrus Association	.9469
San Fernando Heights Orange Association	.5007
Sierra Madre-Lamanda Citrus Association	.3455
Camarillo Citrus Association	1.6627
Fillmore Citrus Association	2.2501
Mupu Citrus Association	2.1588
Ojai Orange Association	.0090
Piru Citrus Association	2.0855
Rancho Sespe	.7867
Santa Paula Orange Association	.8006
Tapo Citrus Association	.8913
Ventura County Citrus Association	.5784
Limoneira Co	.6501
East Whittier Citrus Association	.4171
Murphy Ranch Co	.8801
Anaheim Cooperative Orange Association	2.2091
Bryn Mawr Mutual Orange Association	.1470
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	.5746
Foothill Citrus Union, Inc	.0487
Fullerton Cooperative Orange Association	.4493
Garden Grove Orange Cooperative, Inc	1.3717
Golden Orange Groves, Inc	.1880
Highland Mutial Groves	.0035
Index Mutual Association	.4771
La Verne Cooperative Citrus Association	1.5595
Olive Hillside Groves, Inc	.7416
Orange Cooperative Citrus Association	1.7752
Redlands Foothill Groves	.4232

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Mutual Orange Association	0.1606
Ventura County Orange & Lemon Association	.7659
Whittier Mutual Orange & Lemon Association	.1553
Babijuice Corp. of California	1.2210
Banks, L. M.	.7469
Becker, Samuel Eugene	.0098
Bennett Fruit Co.	.0456
Borden Fruit Co.	.8914
Cappos Bros., Produce	.0000
Cherokee Citrus Co., Inc.	.1132
Chess Co., Meyer W.	.3794
Dozier, Paul M.	.0132
Dunning Ranch	.0000
Evans Bros. Packing Co.	.3827
Gold Banner Association	.1780
Granada Hills Packing Co.	.0345
Granada Packing House	.4725
Hill Packing Co., Fred A.	.0628
Knapp Packing Co., John C.	.5608
L Bar S Ranch	.0000
Lawson, William J.	.0000
Lima & Sons, Joe	.1464
Orange Belt Fruit Distributors	2.0518
Orange Hill Groves	.0107
Otte, Arnold	.0763
Panno Fruit Co., Carlo	.3274
Paramount Citrus Association	.5056
Patitucci, Frank L.	.0095
Placentia Orchard Co.	.6079
Prescott, John A.	.0200
Redlands Fruit Association, Inc.	.0041
Ronald, P. W.	.0221
San Antonio Orchard Co.	.2584

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Stephens, T. F.	0.1062
Summit Citrus Packers	.0028
Treesweet Products Co.	.0962
Wall, E. T., Grower-Shipper	.1268
Western Fruit Growers, Inc.	.4747

[F. R. Doc. 51-12161; Filed, Oct. 5, 1951; 11:36 a. m.]

[Orange Reg. 391, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (i) (*b*) of § 966.537 (Orange Regulation 391, 16 F. R. 9939) are hereby amended to read as follows:

(i) *Valencia oranges.* * * *

(*b*) Prorate District No. 2: 1,200 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of October 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-12162; Filed, Oct. 5, 1951; 11:36 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Army

Subchapter B—Executive Orders, Proclamations, and Public Land Orders Applicable to the Navy

PART 702—TABULATION OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

MISCELLANEOUS AMENDMENTS

1. Section 702.1 is amended to read as follows:

§ 702.1 *Regulatory Executive orders; declaring closed ports.*

State or Territory	Location	No.	Date	Remarks
Alaska	Kiska	E. O. 1613	Sept. 23, 1912	Amended by Proclamation 2112 of Jan. 4, 1935. (Reopening harbor of Tortugas.)
Cuba	Guantanamo			
Florida	Tortugas			
Hawaii	Pearl Harbor			
Pacific	Guam			
Philippine Islands	Subic Bay			
Puerto Rico	Great Harbor, Culebra			

2. Section 702.2 is amended to read as follows:

§ 702.2 *Regulatory Executive orders; establishing naval airspace reservations.*

State or Territory	Location	No.	Date	Citation	Remarks
Alaska	Aleutian Islands	E. O. 7138	Aug. 12, 1935		
	Sitka and Kodiak	E. O. 8597	Nov. 18, 1940	5 F. R. 4559	Sitka naval airspace reservation discontinued by E. O. 9720 of May 8, 1946.
	Kiska and Unalaska Islands	E. O. 8680	Feb. 14, 1941	6 F. R. 1014	Amended by E. O. 8729 of Apr. 2, 1941.
Cuba	Guantanamo	E. O. 5281	Feb. 17, 1930		
	Guantanamo Bay	E. O. 8749	May 1, 1941	6 F. R. 2252	
Hawaii	Pearl Harbor	E. O. 5281	Feb. 17, 1930		
	Kaneohe	E. O. 8681	Feb. 14, 1941	6 F. R. 1014	
Pacific	Guam Harbor	E. O. 5281	Feb. 17, 1930		
	Johnston Island	E. O. 8682	Feb. 14, 1941	6 F. R. 1015	Amended by E. O. 8729 of Apr. 2, 1941.
	Kingman Reef	E. O. 8682	do	do	Do.
	Midway Island	E. O. 8682	do	do	Do.
	Wake Island	E. O. 8682	do	do	Do.
	Guam Island	E. O. 8683	do	do	Do.
	Rose Island	E. O. 8683	do	do	Do.
	Tutuila Island	E. O. 8683	do	do	Do.
Puerto Rico	Great Harbor, Culebra	E. O. 5281	Feb. 17, 1930		
	Culebra Island	E. O. 8684	Feb. 14, 1941	6 F. R. 1016	

3. Section 702.3 is amended to read as follows:

§ 702.3 *Regulatory Executive orders; establishing defensive sea areas.*

State or Territory	Location	No.	Date	Citation	Remarks
Alaska	Kiska and Unalaska Islands	E. O. 8680	Feb. 14, 1941	6 F. R. 1014	Corrected by E. O. 8729 of Apr. 2, 1941.
	Kodiak Island	E. O. 8717	Mar. 22, 1941	6 F. R. 1621	
California	San Clemente Island	E. O. 7747	Nov. 20, 1937	2 F. R. 2047	Amended by E. O. 8536 of Sept. 6, 1940. Discontinued by E. O. 9894 of Sept. 23, 1947.
Cuba	Guantanamo Bay	E. O. 8749	May 1, 1941	6 F. R. 2252	
Hawaii	Pearl Harbor	E. O. 8143	May 26, 1939	4 F. R. 2179	
	Kaneohe Bay	E. O. 8681	Feb. 14, 1941	6 F. R. 1014	
	Honolulu	E. O. 8987	Dec. 20, 1941	6 F. R. 6675	
North Carolina	North Carolina Coast	E. O. 5786	Jan. 30, 1932		
Pacific	Johnston Island	E. O. 8682	Feb. 14, 1941	6 F. R. 1015	Corrected by E. O. 8729 of Apr. 2, 1941.
	Kingman Reef	E. O. 8682	do	6 F. R. 1015	Do.
	Midway Island	E. O. 8682	do	6 F. R. 1015	Do.
	Palmyra Island	E. O. 8682	do	6 F. R. 1015	Discontinued by E. O. 9881 of Aug. 4, 1947.
	Wake Island	E. O. 8682	do	6 F. R. 1015	Corrected by E. O. 8729 of Apr. 2, 1941.
	Guam Island	E. O. 8683	do	6 F. R. 1015	Do.
	Rose Ialsnd	E. O. 8683	do	6 F. R. 1015	Do.
	Tutuila Island	E. O. 8683	do	6 F. R. 1015	Do.
Puerto Rico	Culebra Island	E. O. 8684	do	6 F. R. 1016	

4. Section 702.4 is amended to read as follows:

§ 702.4 *Executive orders and public land orders; covering naval reservations, installations and facilities.*

State or Territory	Location	Designation	Area	No.	Date	Citation	Remarks
	Adak Island	Reservation	580 acres	E. O. ——	June 13, 1902		
	Amaknak Island	do	1,930 acres	E. O. 8786	June 14, 1941	6 F. R. 2941	
	do	Dutch Harbor	23 acres	E. O. ——	Jan. 13, 1899		
	do	do	400 acres	E. O. 1733	Mar. 3, 1913		Amended by E. O. 5243 of Dec. 19, 1929; E. O. 6044 of Feb. 23, 1933; and E. O. 7816 of Feb. 15, 1938.
	do	do	10.95 acres	E. O. 7847	Mar. 21, 1938	3. F R. 719	Superseded by E. O. 8786 of June 14, 1941.
	do	Coal depot		E. O. ——	June 10, 1902		Do.
	do	Radio station	78.78 acres	E. O. 1456	Jan. 6, 1912		Do.
	do	do	do	E. O. 5457	Oct. 1, 1930		
	Biorka Island	do	1,631.89 acres	E. O. 1133	Oct. 19, 1909		
	Cold Bay-Dolgoi Island	Reservation	993,600 acres	E. O. 5214	Oct. 30, 1929		Patents issued by Secretary of the Interior: (a) Russian Greek Mission Reserve, U. S. Survey No. 758, Tract A, 2.18 acres, Tract B, 6.84 acres; (b) Pacific American Fisheries, U. S. Survey No. 236, Kitchen Anchorage, Belfosky Bay, 12.92 acres, and Survey No. 225A, Thin Point Sand Spit, Alaskan Peninsula NE. of Uaga Island, 5.45 acres; and (c) U. S. Survey No. 189, Pacific American Fisheries, 17.57 acres. Total acreage of private rights: 44.96. 18 acres excluded by E. O. 8736 of Apr. 14, 1941, for cannery and other improvements.
Alaska	Cordova Bay	do	296 acres	E. O. 1220	July 15, 1910		
	do	Radio station	640 acres	E. O. 2537	Feb. 21, 1917		Revoked in part by P. L. O. 334 of Dec. 19, 1946.
	Hawkins Island	Reservation	20,500 acres	E. O. 771	Mar. 18, 1908		Revoked by P. L. O. 359 of Mar. 14, 1947.
	do	do		E. O. 1248	Sept. 26, 1910		Do.
	Icy Cape	do	28,288,000 acres	E. O. 3797-A	Feb. 27, 1923		Terms modified by P. L. O. 289 of July 20, 1945.
	Jamestown Bay	do	4.03 acres	E. O. ——	June 21, 1890		
	Japonski Island	do	200.71 acres	E. O. ——	do		
	Juneau	Docks and approaches	330 acres	E. O. 9173	May 23, 1942	7 F. R. 3914	For use of Coast Guard.
	Juneau Island	Coaling station	1 acre	E. O. ——	June 21, 1890		
	Kiska Island	Reservation	32,000 acres	E. O. 241	Dec. 9, 1903		
	Kodiak Island	do	34,200 acres	E. O. 8278	Oct. 28, 1939	4 F. R. 4444	
	Kodiak (Woody Island)	Radio station	8.39 acres	E. O. 2553	Mar. 21, 1917		
	Port Graham	Reservation	24,320 acres	E. O. 5214	Oct. 30, 1929		Private rights: U. S. Survey Nos. 368, to Russian Greek Church Mission Reserve at Alexandrovsky; and U. S. Survey No. 510, Patented to Fidago Island Packing Co., Total acreage of of private rights: 10.06.
	Sitka	Naval Hospital		E. O. 550	Jan. 16, 1907		
	do	Reservation and cemetery.		E. O. ——	June 21, 1890		Certain lands trans. to War Department for Signal Corps, U. S. Army by E. O. 778 of Apr. 4, 1908.
	do	Reservation and cemetary.		E. O. 4025	June 12, 1924		Superseded by E. O. 4237 of June 1, 1935.
	Sitka Bay	Reservation	195 acres	E. O. 8216	July 25, 1939	4 F. R. 3430	Transfer from Treasury Department.
	Unalaska Island	do	64,640 acres	E. O. 5364	June 5, 1930		
	Wide Bay	do	177,920 acres	E. O. 5214	Oct. 30, 1929		
	Yakutat Bay	do	10,240 acres	E. O. 5214	do		

State or Territory	Location	Designation	Area	No.	Date	Citation	Remarks
California	Alameda	Benton Field	1,075.70 acres	E. O. 7467	Oct. 7, 1936	1 F. R. 1557	
	Buena Vista	Reservation No. 2	30,180 acres	E. O. ——	Dec. 13, 1912		Lands withdrawn for town sites by E. O. 3862 of June 11, 1923 and E. O. 4225 of May 16, 1925. Drilling sites restored by E. O. 6444 of Nov. 25, 1933. (Also see E. O. 4614 of Nov. 25, 1933.) E. O. 6444 modified by E. O. 10075 of Aug. 18, 1949. Town site of Ford returned to public but oil and gas deposits retained in Reserve No. 2.
	Kern County	Elk Hills Reservation No. 1.	43,792 acres	E. O. ——	Sept. 2, 1912		
	do	Addition to Petroleum Reserve No. 1.	5,720 acres	E. O. 9257	Oct. 15, 1942	7 F. R. 8411	Description corrected by E. O. 9270 of Nov. 13, 1942.
	do	do	2,280 acres	E. O. 10052	Apr. 20, 1949	14 F. R. 1941	Partial revocation of P. L. O. 460, Apr. 1, 1948.
	Los Angeles	Prince Island	39.4 acres	E. O. 6896	Nov. 7, 1934		
	do	San Miguel Island	9,082 acres	E. O. 6896	do		
	Mare Island	Navy Yard	130.59 acres	E. O. 487	July 28, 1906		Declared surplus on Apr. 23, 1947, SPB 5/205.
	Mission Rock	Naval reservation	14.83 acres	E. O. ——	Jan. 13, 1899		
	San Clemente Island	Fleet training	31,500 acres	E. O. 6897	Nov. 7, 1934		Description corrected by E. O. 7805 of Feb. 5, 1938.
	San Diego	Air station bombing site	640 acres	P. L. O. 578	Mar. 30, 1949	14 F. R. 1615	Revokes E. O. 8883, Sept. 3, 1941. (See E. O. 8004 of Nov. 12, 1938.)
	do	Navy East Range	174,000 acres	P. L. O. 673	Oct. 7, 1950	15 F. R. 6786	Reserved for use of Department of the Navy.
	do	North Island, N. A. S.	1,858 acres	E. O. 2676-A	Aug. 1, 1917		See also E. O. 7215 of Oct. 26, 1935.
	do	Point Loma naval fuel depot.	217.2 acres	E. O. 2328	Feb. 25, 1916		
	San Diego County	Camp Elliott	199.04 acres	E. O. 8791	June 14, 1941	6 F. R. 2943	
	do	do	2,395 acres	E. O. 8790	do	6 F. R. 2942	
	San Francisco	Land on Yerba Island	107.3 acres	E. O. ——	Nov. 6, 1850		Lands diminished by E. O. of Apr. 12, 1898 and later diminished to 8.9 acres by E. O. of Jan. 26, 1899. (See P. L. O. 651.)
	do	Receiving station	107.3 acres	E. O. ——	Oct. 12, 1866		
Canal Zone	Balboa, Arraijar Tank Farm.	Naval reservation	807.2 acres	C. Z. Order No. 13	Apr. 21, 1948	13 F. R. 7467	
	do	Farfan naval radio station.	819.7 acres	C. Z. Order No. 9	June 6, 1947	12 F. R. 5367	
	Balboa, Gatun Tank Farm.	Naval reservation	287.9 acres	C. Z. Order No. 14	July 15, 1948	13 F. R. 7467	
	do	Naval radio station	40.84 acres	E. O. 7387	June 15, 1936	1 F. R. 601	Modified by E. O. 7862 of Apr. 7, 1938.
	Balboa, West Bank	Naval reservation	707.3 acres	C. Z. Order No. 12.	Mar. 9, 1948	13 F. R. 7466	
	Coco Solo	Fleet air base	185.9 acres	E. O. 3257	Apr. 9, 1920		
	do	Naval hospital area	39.4 acres	E. O. 8981	Dec. 17, 1941	6 F. R. 6529	Superseded by Canal Zone Order No. 23 of May 18, 1950.
	do	Submarine base	127.9 acres	E. O. 3257	Apr. 9, 1920		
	Colon	Radio station	10.8 acres	E. O. 5185	Sept. 6, 1929		
	Cristobal	Quarters	3 buildings	E. O. 6072	Mar. 8, 1933		
	Summit	Radio station	320.9 acres	E. O. 9434	Apr. 8, 1944	9 F. R. 3829	
	West side, Panama Canal.	Ammunition depot	2,509,618 acres	E. O. 5849	May 19, 1932		Amended by Canal Zone Order No. 12 of Mar. 9, 1948.
Colorado	Garfield County	Oil shale reserve	59,167 acres	E. O. 4614	Mar. 17, 1927		
Cuba	Guantanamo Bay	Naval station	30,074 acres	E. O. 7800	Jan. 27, 1938		Supersedes E. O. of Jan. 9, 1904.
District of Columbia	Anacostia	Air station	20.35 acres	E. O. 7215	Oct. 20, 1935		Area increased to 328.76 acres by E. O. 7697 of Aug. 23, 1937.
	Washington	5th acquisition, Navy Yard.		Proc. 1472	Aug. 7, 1918		40 Stat. 1820.
Florida	Key West	Key West keys, islands, and shoals.		E. O. 4060	Aug. 11, 1924		Supersedes E. O. 808 of June 8, 1908.
	do	Runway for naval air station.	2,071 acres	P. L. O. 30	Aug. 14, 1942	7 F. R. 7182	Transfer from Interior Department.
	Pensacola	Live Oak reservation	1,337 acres	E. O. ——	Jan. 10, 1838		Declared surplus July 3, 1946, SPB-5/153.
Guam	Marianas Islands	Island of Guam	225 square miles	E. O. 10077	Sept. 7, 1949	14 F. R. 5533	Revokes E. O. 108-A, Dec. 23, 1898. Amended by E. O. 10137 of Sept. 7, 1949. Transferred to Interior Department effective Aug. 1, 1950.
Hawaii	Hanapepe	Kono Naval Reservation.	70,500 square feet.	E. O. 10041	Mar. 10, 1949	14 F. R. 1154	Restored to Territory of Hawaii.
	Hilo	Radio station	8.82 acres	E. O. 174	Dec. 13, 1924		By Governor of Territory of Hawaii; restored to Territory of Hawaii by E. O. 9927 of Jan. 17, 1948.
	do	do	6.5 acres	E. O. 176	do		By Governor of Territory of Hawaii.
	Kure Island	Naval reservation		E. O. 7299	Feb. 20, 1936		
	Lualualei	Ammunition depot	13.2 acres	E. O. 382	Jan. 21, 1930		By Governor of Territory of Hawaii.
	do	do	3,678 acres	E. O. 388	Feb. 12, 1930		Do.
	do	Radio station	1,748 acres	E. O. 599	Dec. 22, 1933		Do.
	District of Wahiawa, Oahu.	do	29.8 acres	E. O. 9362	July 21, 1943		From Federal Communications Commission.
	District of Wailupe, Oahu.	do	4.18 acres	E. O. 79	Oct. 20, 1920		By Governor of Territory of Hawaii; amended by E. O. 603 of Jan. 24, 1934, by Governor. 6,219 square feet restored to Territory of Hawaii by E. O. 6493 of Dec. 12, 1933.
	Pearl Harbor	Ford Island	330 acres	E. O. 7215	Oct. 26, 1935		Transferred from War Department.
Idaho	Arco	Naval proving ground	156,832 acres	P. L. O. 691	Dec. 9, 1950	15 F. R. 8738	Transfer to the Atomic Energy Commission; modifies P. L. O. 318, May 13, 1946, P. L. O. 545, Jan. 7, 1949.
Illinois	Great Lakes	Training station	493.97 acres	Proc. 1493	Nov. 4, 1918		Units 19 and 20 transferred to Treasury Department by E. O. 3643 of Feb. 22, 1922; (40 Stat. 1874) 589. 951 acres transferred to Veterans' Administration by E. O. 3993 of Apr 17, 1924.

State or Territory	Location	Designation	Area	No.	Date	Citation	Remarks
Indiana	Martin County	White river land utilization project.	44,580 acres	E. O. 8910	Sept. 27, 1941	6 F. R. 4963	Transfer from Department of Agriculture.
	do	do	13,180 acres	E. O. 9160	May 11, 1942	7 F. R. 3541	Amends E. O. 8910. Land added.
	do	do	3,560 acres	E. O. 9273	Nov. 18, 1942	7 F. R. 9629	Amends E. O. 8910 and E. O. 9160. Land added.
Maryland	Black Stone Island	Proving ground annex	72 acres	Proc. 1514	Mar. 4, 1919		40 Stat. 1935.
	White Plains	Right of way	160.9 acres	Proc. 1472	Aug. 7, 1918		40 Stat. 1820.
Massachusetts	Squantum	Naval reservation	468 acres	E. O. 7377	May 20, 1936	1 F. R. 428	
Michigan	Traverse City	Target area	2,750 acres	P. L. O. 237	June 22, 1944	9 F. R. 7526	Transfer from Interior Department. Terminated 6 months after war.
Nevada	Hawthorne	Ammunition depot	134,740 acres	E. O. 4531	Oct. 27, 1926		
	do	do	440 acres	E. O. 5664	July 2, 1931		
	do	do	4,800 acres	E. O. 5828	Mar. 30, 1932		
	do	do	60,480 acres	E. O. 6958	Feb. 4, 1935		
New Jersey	Fallon	Airport	160 acres	P. L. O. 275	Apr. 23, 1945	10 F. R. 4817	
	Cape May	Air station	328.2 acres	Proc. 1504	Dec. 2, 1918		40 Stat. 1912.
New Mexico	Albuquerque	Scientific research	2,548.11 acres	P. L. O. 242	Aug. 23, 1944	9 F. R. 11012	Transferred from Interior Department.
	Cibola National Forest	do	4,667 acres	P. L. O. 133	June 7, 1943	8 F. R. 8557	Do.
	do	Land for experimental purposes.	13,948 acres	P. L. O. 595	July 18, 1949	14 F. R. 4595	Takes precedence over but not otherwise affects Proclamations of Nov. 6, 1906, and Apr. 16, 1908. Transferred from Interior Department.
Pacific	Midway Island	Reservation		E. O. 199-A	Jan. 20, 1903		
	Wake Island	do		E. O. 6935	Dec. 29, 1934		
Oregon		Malaria recuperation camp.	40 acres	P. L. O. 238	June 22, 1944	9 F. R. 7526	For Marine Corps casualties. Termination after 6 months, period following termination of unlimited emergency (Proclamation No. 2487).
Pennsylvania	Fort Mifflin	Ammunition depot	292 acres	Proc. 1472	Aug. 7, 1918		40 Stat. 1820.
	Philadelphia	Depot of supplies	2.11 acres	Proc. 1472	do		Do.
Philippine Islands	Abuyog	Radio station site	8.26 acres	E. O. 5139	June 19, 1929		
	Baguio	Reservation	72.7 acres	E. O. 1254	Oct. 10, 1910		See Agreement No. 193 of Mar. 14, 1947 below.
	Cape Bojeador	Radio station site	82.9 acres	E. O. 5139	June 19, 1929		
	Cavite	Naval station	49.95 acres	E. O. 5139	do		
	Cebu	Coal depot	0.1377 acres	E. O. 1215	June 17, 1910		See E. O. of June 19, 1903.
	Cuyo	Radio station site	2.07 acres	E. O. 5139	June 19, 1929		
	Manila	Military bases		Agreement	Mar. 14, 1947		61 Stat. 4019.
	Olongapo	Naval station	23,100 acres	E. O. ——	Nov. 26, 1902		
	do	do	16,655 acres	E. O. 1026	Feb. 13, 1909		
	Romblon	Radio station site	24.3 acres	E. O. 5139	June 19, 1929		
	San Fernando	do	12.2 acres	E. O. 5139	do		
	Sangley Point	Naval reservation	2.0 acres	E. O. ——	Nov. 9, 1901		
	do	do	do	E. O. 1134	Oct. 19, 1909		
Puerto Rico	Culebra	Reservation	2,404 acres	E. O. ——	Dec. 17, 1901		Subject to private rights.
	San Geronimo	do	4.51 acres	Proc. 1970	Sept. 15, 1931		47 Stat. 2482.
	San Juan	Air station	12.51 acres	E. O. 8678	Feb. 11, 1941	6 F. R. 935	
Rhode Island	Newport (Gould Island)	Torpedo station	51.85 acres	Proc. 1472	Aug. 8, 1918		40 Stat. 1820.
Samoa	Tuitila	Naval station	159.26 acres	E. O. 125-A	Feb. 19, 1900		Revoked by E. O. 10264 of June 29, 1951. Transferred to Interior Department, effective July 1, 1951.
Utah	Vernal	Oil shale reserve	87,864 acres	E. O. ——	Dec. 6, 1916		Modified as to 3,600 acres by E. O. of Nov. 17, 1924.
Virginia	Dahlgren	Proving ground	994 acres	Proc. 1458	June 10, 1918		40 Stat. 1790.
	do	do	373 acres	Proc. 1494	Nov. 4, 1918		40 Stat. 1885.
	Norfolk	Fuel depot	93.39 acres	E. O. 4671	June 20, 1927		Modified by E. O. 4716 of Sept. 12, 1927 and E. O. 4814 of Feb. 24, 1928.
	do	Operating base	945 acres	Proc. 1379	June 28, 1917		40 Stat. 1674.
	Quantico	Marine Corps base	5,300.4 acres	Proc. 1493	Nov. 4, 1918		40 Stat. 1874.
	do	do	55.31 acres	E. O. 3179	Nov. 25, 1919		
	Yorktown	Mine depot	11.50 acres	Proc. 1472	Aug. 7, 1918		40 Stat. 1820. Modified by Proclamation 1492 of Nov. 2, 1918, 40 Stat. 1868.
Virgin Islands	St. Thomas	Naval station		E. O. 5602	Apr. 20, 1931		For amendments see: E. O.'s 7686 of Aug. 5, 1937; 7790 of Jan. 12, 1938; 8103 of May 2, 1939; 8201 of July 11, 1939; 8643 of Jan. 21, 1941; and 8775 of June 10, 1941. Also, see E. O. 10079 which transfers certain property to permanent control of Secretary of Interior.
	do	Aviation facilities		E. O. 7302			See amendments listed above and E. O. 8775 of June 10, 1941.
Washington	Bremerton	Navy yard		Proc. 1493	Nov. 4, 1918		40 Stat. 1874.
	do	do		E. O. 3296	June 29, 1920		Transferred from Labor Department.
	Dungeness Spit	Aviation purposes	147.5 acres	E. O. 8518	Aug. 16, 1940	5 F. R. 2882	Amends E. O. 2123 of Jan. 20, 1915 for naval purposes.
	Harbor Rock	Naval air station	0.05 acre	E. O. 8072	Mar. 21, 1939	4 F. R. 1291	
	North Pacific Rock	do	0.05 acre	E. O. 8072	do	4 F. R. 1291	
	Pasco	Site for dive-bombing and strafing.	15,970 acres	P. L. O. 247	Oct. 9, 1944	9 F. R. 12554	Jurisdiction to cease 6 months after termination of unlimited national emergency by Proc. 2487.
	Seattle	Naval air station	45 acres	E. O. 8072	Mar. 21, 1939	4 F. R. 1291	
Wyoming	Casper	Petroleum reserve	9,481 acres	E. O. ——	Apr. 30, 1915		
	do	do	160 acres	E. O. 5904	Aug. 18, 1932		

Dated: September 27, 1951.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 51-11891; Filed, Oct. 3, 1951; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 85]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. A Fort Huachuca, Arizona, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
FORT HUACHUCA (Douglas Chart).	Beginning at lat. 31°36′40″ N, long. 110° 26′40″ W; NE to lat. 31°41′40″ N, long. 110°15′00″ W; due E to long. 110°13′30″ W; SE to lat. 31°40′30″ N, long. 110°11′ 00″ W; due S to lat. 31°36′40″ N; SW to lat. 31°33′20″ N, long. 110°18′20″ W; SE to lat. 31°31′00″ N, long. 110°16′10″ W; WSW to lat. 31°30′00″ N, long. 110° 25′40″ W; NW to lat. 31°31′40″ N, long. 110°26′40″ W; due N to lat. 31° 36′40″ N, long. 110°26′40″ W, point of beginning.	Surface to 22,500 feet M. S. L.	Daily, 0700 to 1800.	6th Army, Fort Huachuca, Ariz.

2. A Yuma, Arizona, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
YUMA (San Diego and Phoenix Charts).	Beginning at lat. 33°00′00″ N, long. 113°52′00″ W; Due S to lat. 32°55′45″ N; WSW to lat. 32°51′15″ N, long. 114°31′00″ W; due N to lat. 33°00′00″ N; due E to lat. 33°00′00″ N, long. 113°52′00″ W, point of beginning.	Surface to 50,000 feet.	Continuous.	6th Army, Yuma Test Station, Yuma, Ariz.

3. The Salton Sea, California areas, published on July 16, 1949, in 14 F. R. 4288 are revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
SALTON SEA (San Diego Chart).	(1) A circular area having a radius of 3 miles centered at lat. 33°11′00″ N, long. 116°09′30″ W.	Surface to 15,000 feet.	Continuous.	11th Naval District, San Diego, Calif.
	(2) Beginning at lat. 33°18′00″ N, long. 115°44′00″ W; due S to lat. 33°11′00″ N; due W to long. 115°49′40″ W; NW to lat. 33°11′30″ N, long. 115°50′30″ W; NNW to lat. 33°18′00″ N, long. 115°53′20″ W; due E to lat. 33°18′00″ N, long. 115°44′00″ W, point of beginning.	Unlimited	do	National Defense agencies.
	(3) A circular area having a radius of 1½ miles centered at lat. 33°21′45″ N, long. 115°49′37″ W.	do	do	11th Naval District, San Diego, Calif.

4. A Shaw Air Force Base, Sumter, South Carolina, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
SHAW AIR FORCE BASE, Sumter (Savannah Chart).	Beginning at lat. 33°52′30″ N, long. 80°26′00″ W; southerly to lat. 33°45′50″ N, long. 80°25′00″ W; WSW to lat. 33°44′15″ N, long. 80°33′15″ W; NNW to lat. 33°48′00″ N, long. 80°34′00″ W; NE to lat. 33°52′30″ N, long. 80°30′00″ W; due E to lat. 33° 52′30″ N, long. 80°26′00″ W, point of beginning.	Surface to 25,000 feet.	Daylight hours, 7 days a week (when ceilings of at least 3,000 feet and visibility of at least 3 miles prevail).	Shaw AFB, Sumter, S. C.

5. The Camp Forrest, Tennessee, area, published on December 22, 1949, in 14 F. R. 7641, is deleted.

6. The Humuula, Island of Hawaii, Territory of Hawaii, area, published on October 15, 1949, in 14 F. R. 6287, and amended on April 29, 1950, in 15 F. R. 2435, is further amended by changing the "Time of Designation" column to read: "Daylight and darkness".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 6, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–12094; Filed, Oct. 5, 1951; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5820]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PUROFIED DOWN PRODUCTS CORP. ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition;* § 3.1880 *Old, used, reclaimed or reused as unused or new.* In connection with the offering for sale, sale and distribution of pillows in commerce, (1) misrepresenting in any manner or by any means, directly or by implication, the materials of which respondents' pillows are made; or, (2) selling or distributing pillows composed in whole or in part of used or second-hand feathers, without clearly disclosing on labels attached to such pillows the fact that such feathers are used or second-hand; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Purofied Down Products Corporation et al., Docket 5820, August 14, 1951]

In the Matter of Purofied Down Products Corporation, a Corporation, and Louis Puro, Sam Puro, Jack Puro, Joe Puro, and Arthur Puro, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, trial examiner, upon the complaint of the Commission, respondents' answer thereto, and a stipulation whereby it was stipulated and agreed that a statement of facts executed by counsel supporting the complaint and counsel for respondents might be taken as the facts in the proceeding and in lieu of evidence in support of and in opposition to the charges stated in the complaint, and might serve as the basis for finding as to the facts and conclusion based thereon and order disposing of the proceeding. Right to file proposed findings and conclusions and to argue the matter orally before the trial examiner were subsequently waived, after being reserved in said stipulation, in which it was also provided that upon appeal to or review by the Commission the stipulation might be set aside by it and the matter remanded for further proceedings under the complaint.

Thereafter the proceeding regularly came on for final consideration by said trial examiner upon the complaint, answer, and stipulation, which was approved by the trial examiner, who, after having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to pre-

vent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 14, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Purofied Down Products Corporation, a corporation, and its officers, and Louis Puro, Sam Puro, Jack Puro, Joe Puro and Arthur Puro, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pillows in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting in any manner or by any means, directly or by implication, the materials of which respondents' pillows are made.

2. Selling or distributing pillows composed in whole or in part of used or second-hand feathers, without clearly disclosing on labels attached to such pillows the fact that such feathers are used or second-hand.

By "Decision of the Commission and order to file report of compliance", Docket 5820, August 14, 1951, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 14, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-12068; Filed, Oct. 5, 1951; 8:46 a. m.]

[Docket 5847]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ARLUCK BLANKET CORP. AND ELMER M. ARLUCK

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition; Wool Products Labeling Act.* In connection with the introduction into commerce, or the sale, transportation or distribution of wool products in commerce, misbranding such wool products as defined in and subject to the Wool Products Labeling Act of 1939, which contain or purport to contain, or in any way are represented as containing wool, reprocessed wool, or reused wool, as those terms are defined in said act, (1) by falsely or deceptively stamping, tagging, labeling or otherwise identifying such products; and, (2) by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool products exclusive of ornamentation, not exceeding five percentum of said total weight of: (1) Wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage of weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of the wool product of any nonfibrous loading, filling or adulterating matter; (c) the percentage in words and figures plainly legible by weight of the wool contents of such wool product where said wool product contains a fiber other than wool; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or of the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Arluck Blanket Corporation et al., Docket 5847, August 7, 1951]

This proceeding was heard by James A. Purcell, trial examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondents' answer thereto, and testimony and other evidence in support of and in opposition to the allegations of the complaint, which were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, the answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel in support of the complaint (none having been filed by respondents, nor oral argument requested); and said trial examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusions drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 7, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondents, Arluck Blanket Corporation, a corporation, its officers, and Elmer M. Arluck, individually and as an officer of said corporation, their agents, representatives and employees, directly or through any corporate or other device, or any other name, in connection with the introduction into commerce, or the sale, transportation or distribution of wool products in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, and the Federal Trade Commission Act, do forthwith cease and desist from misbranding such wool products as defined in and subject to the Wool Products Labeling Act of 1939, which contain or purport to contain, or in any way are represented as containing wool, reprocessed wool, or reused wool, as those terms are defined in said act;

(1) By falsely or deceptively stamping, tagging, labeling or otherwise identifying such products;

(2) By failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products exclusive of ornamentation, not exceeding five percentum of said total weight of: (1) Wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage of weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of the wool product of any nonfibrous loading, filling or adulterating matter;

(c) The percentage in words and figures plainly legible by weight of the wool contents of such wool product where said wool product contains a fiber other than wool.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or of the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance", Docket 5847, August 7, 1951, which announced and decree fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 7, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-12067; Filed, Oct. 5, 1951; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Rent Stabilization, Economic Stabilization Agency

[Controlled Housing Rent Reg., Amdt. 404]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 399]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

WEST VIRGINIA

Amendment 404 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 399 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. In Schedule A, Item 356c, is added to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental areas under regulation	Maximum rent date	Effective date of regulation
West Virginia				
(356c) Mineral County	B	In Mineral County, the town of Ridgeley	Oct. 1, 1944	Mar. 1, 1946

2. A new item is hereby incorporated in Schedule B to read as follows:

92. *Provisions relating to the recontrol of the Town of Ridgeley in Mineral County, West Virginia, a portion of the Mineral County Defense-Rental Area.*[1] Effective October 6, 1951, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in the Town of Ridgeley in Mineral County, West Virginia, a portion of the Mineral County Defense-Rental Area, except as modified by the following provisions:

a. All orders in effect on August 29, 1949, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92, shall be in full force and effect.

b. If, on October 6, 1951, there was a ground for adjustment under § 825.5 (a) or § 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before November 6, 1951, the adjustment shall be effective as of October 6, 1951.

c. In §§ 825.5 (a) (20) and 825.85 (a) (14), wherever the date July 31, 1951, appears the date October 6, 1951, shall be substituted.

d. If, on October 6, 1951, the services provided with any housing accomodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before November 6, 1951 requesting approval of the decreased services. If, on October 6, 1951, the furniture, furnishings, or equipment provided with any housing accomodations are less than the minimum required by § 825.3 or 825.83, the landlord shall file, on or before November 6, 1951, a written report showing the decrease in furniture, furnishings, or equipment. Except as modified by this paragraph, the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

e. In the case of any action which on October 6, 1951, was required or authorized by §§ 825.1 to 825.12 or 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from October 6, 1951.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective October 6, 1951.

[1] In the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92), the new item is 91.

Issued this 3d day of October 1951.

JOHN J. MADIGAN,
Acting Director of Rent Stabilization.

[F. R. Doc. 51-12089; Filed, Oct. 5, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[ODM 1]

ODM 1—FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

C. E. WILSON,
Director of Defense Mobilization.

OCTOBER 5, 1951.

LIST OF CRITICAL DEFENSE HOUSING AREAS UNDER PUBLIC LAW 139, 82D CONGRESS

(The respective areas include the following named communities and the surrounding territory within a reasonable or maximum practicable commuting distance determined in accordance with Regulations CR 2 and CR 3 of the Housing and Home Finance Agency from a defense plant or installation located in such area and specified in Housing and Home Finance Agency Regulation CR 2 (16 F. R. 3303, April 14, 1951, as amended) or included in a defense activity list maintained for the area by the Housing and Home Finance Administrator pursuant to Housing and Home Finance Agency Regulation CR 3 (16 F. R. 3835, May 2, 1951, as amended).)

Community	*Docket No.*
AEC, Savannah River Installation, S. C., and Ga	(1)
Paducah, Ky	(2)
Arco, Blackfoot, Idaho Falls, Idaho	(3)
San Diego and Oceanside, Calif	(4)
Wright-Patterson Air Force Base, Dayton, Ohio	(8-A)
Solano County, Calif	(22)
Star Lake, N. Y	(41)
Davenport, Iowa, and Rock Island, East Moline, and Moline, Ill	(45)
Lone Star, Tex	(48)
Brazoria County, Tex	(55)
Norfolk-Portsmouth, Va	(78)
Newport News, Va	(78-A)
Borger, Tex	(97)
Wichita, Kans	(124)
Colorado Springs, Colo	(5)
Camp Cooke-Camp Roberts, Calif	(12) and (95)
Fort Leonard Wood, Rolla, Mo	(14)
Tooele, Utah	(20)
Las Cruces, N. Mex	(32)
Dover, Del	(42)
Imperial County, Calif	(46)
Hanford-Kennewick-Pasco, Wash	(49)
Bremerton, Wash	(56)
Patuxent, Md	(57)
Valdosta, Ga	(60)
Columbus, Ind	(61)
Camp LeJeune, N. C	(80)
Sampson Air Force Base, N. Y	(83-A)
Florence-Killeen, Tex	(84)
Mineral Wells-Weatherford, Tex	(86)
Huntsville, Ala	(93)
Barstow, Calif	(94)
Lancaster, Calif	(123)
Alamagordo, N. Mex	(166)
Bucks County, Pa	(58)
Indianapolis, Ind	(188)
Sanford, Fla	(50)
Sidney, Nebr	(73)
Kingsville, Tex	(88)
Wichita Falls, Tex	(96)
Presque Isle-Limestone, Maine	(109)

(Pub. Law 139, 82d Cong.)

[F. R. Doc. 51-12160; Filed, Oct. 5, 1951; 10:58 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 29]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

YARNS AND FABRICS USED BY CONVERTERS, FINISHERS, DYERS AND THROWSTERS ADDED TO APPENDIX B

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 29 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 22 now establishes, for converters, finishers, dyers, and throwsters, the "later prescribed date" of December 31, 1950, as the date up to which the net cost of yarns and fabrics may be computed, when such yarns and fabrics are made from any natural or synthetic textile fiber or fila-

ment and are used as manufacturing materials by (a) converters who sell yarn or finished piece goods which they finish or which are finished for their account by someone else, and by (b) finishers, dyers, or throwsters who sell yarn or finished piece goods which they process for their own account and risk. This amendment changes that date to March 15, 1951. This change in the date to which changes in costs of yarns or fabrics may be computed will assure equitable ceiling prices for independent converters, finishers, dyers and throwsters. One of the considerations that has been taken into account is the fact that the ceiling prices now established under the regulation for most integrated mills having their own converting or finishing units reflect such cost changes to March 15, 1951. Formal consultation with representatives of industry has not been had, but there has been consultation with individuals, and with groups, including trade associations, representative of the industry who have expressed informally to this office their recommendation that this action be taken. In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is consistent with the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is hereby amended in the following respect:

Appendix 5 is amended by adding a new paragraph (10) to read as follows:

(10) All yarns and fabrics made from any natural or synthetic textile fiber or filament when such yarns and fabrics are used by converters, finishers, dyers, and throwsters.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. Sup. 2154)

Effective date. This amendment shall become effective October 10, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 5, 1951.

[F. R. Doc. 51-12163; Filed, Oct. 5, 1951; 11:42 a. m.]

[Ceiling Price Regulation 55, Amdt. 5]

CPR 55—CEILING PRICES FOR CERTAIN PROCESSED VEGETABLES OF THE 1951 PACK

ADDITIONAL PRODUCTS COVERED, AND MISCELLANEOUS CHANGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Ceiling Price Regulation 55, as amended, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Reglation 55 adds factors for cost increases other than raw materials for many products not previously specified. As a result, ceiling prices for practically all canned vegetables and their products can be computed under the regulation as amended. Section 4 of the regulation has been revised in order that processors will be able to determine ceiling prices for many additional items which were not sold during the base period. Provision is made whereby processors whose gross sales of all processed fruits, berries, and vegetables during 1950 were less than $40,000.00 may elect to retain ceiling prices under the General Ceiling Price Regulation instead of determining ceiling prices under this regulation. Other miscellaneous changes and corrections in the regulation are made.

Under the pricing formula in the regulation, each processor computes his ceiling prices by first determining a base price, then adjusting this base price by an allowance for cost increases other than raw material, and then by adjusting for changes in the raw material costs since 1948.

By this amendment separate adjustment factors for cost increases other than raw materials are specified for several canned (or bottled) tomato products, canned vegetable juices (other than sauerkraut and tomato), canned succotash and other canned vegetable mixtures. The factors for canned fresh field peas and canned snap beans are modified. Until this amendment was issued, an adjustment factor for canned fresh field peas was specified only for Georgia. Factors are added for other areas. Canned fresh shell beans are included under Ceiling Price Regulation 55 by using the same factors as are provided for canned fresh field peas. For canned snap beans, southern states, other than Georgia and Texas, are removed from the "All other States" provided with a separate factor which makes appropriate allowance for higher cost increases (other than raw materials) incurred, especially with respect to labor.

Finally, most of the remaining canned vegetables are covered by an over-all adjustment factor. The products currently excluded from coverage by this regulation are canned rhubarb and asparagus, which remain under Ceiling Price Regulation 42, and canned sauerkraut, sauerkraut juice, fresh cucumber pickles, pumpkin and squash. It is the intention of the Office of Price Stabilization to determine and specify adjustment factors for these latter products in the near future.

It is now possible for canners of all canned vegetables and vegetable juices (aside from the few exceptions noted) to determine their ceiling prices under this regulation. In some cases the over-all factors specified for other canned fresh vegetables, other canned vegetable juices, and other canned tomato products may prove to be inappropriate. If information later becomes available to indicate that this is the case, separate adjustment factors for cost increases other than raw materials will be provided by amendment. Canners of these minor products, however, will not be required to recalculate any ceiling prices which are determined by using the over-all factors provided by this amendment.

In the case of the minor products covered by this regulation, it is not possible to indicate with accuracy what the effect will be upon recent and current price levels. It is believed, however, that the ceiling prices for the new products added to Ceiling Price Regulation 55 by this amendment will exceed generally the prices now prevailing or the prices prevailing during the period January 25, 1951–February 24, 1951.

Maximum permitted raw material cost increases have been added to Table II for spinach, pimientoes, Irish potatoes and sweet potatoes. All other vegetables for which separate increases are not provided remain at 20 per cent as specified in the table.

It is recognized that small processors may find it relatively more difficult than larger concerns to make the calculations prescribed in this regulation. Consequently, any processor of vegetables whose gross sales of all processed fruits, berries and vegetables during 1950 were less than $40,000 may elect to retain his ceiling prices for his products under the provisions of the General Ceiling Price Regulation. A similar provision will be added to Ceiling Price Regulation 56.

The meaning of "base period" has been altered in several ways. A new provision to section 2 (a) requires the use of a substitute "base period" for an item not sold during the base period as originally defined. This change enables processors to calculate ceiling prices under provisions of section 2 for many items which could not previously be so determined because no sales occurred during the first sixty days after the beginning of the 1948 pack. A clarifying sentence is added to this section to indicate that in calculating ceiling prices for a group of factories only one "base period" is used for all such factories. Section 2 (c) is modified to make it clear that in calculating ceiling prices for a group of factories in the same pricing area, raw material cost adjustments are to be determined on the basis of weighted average raw material costs for all factories included in the group rather than on an individual factory basis. The definition of "base period" is amended to provide a longer base period for products which have two separate and distinct packing seasons. It is believed that a more representative base period is provided by this means for two-pack products.

The method for calculating most ceiling prices of items not sold during the base period, as provided in section 4, has been revised. Experience to date indicates that many processors are unable to employ the presently specified procedure and are, therefore, obliged to borrow ceiling prices for many of these items from their competitors in accordance with section 6, or to apply for individual authorization of ceiling prices under section 7. This requirement imposes a considerable burden upon the industry. Furthermore, in many cases other processors in the same areas also lack base prices for the same items so that borrowing is difficult, if not impossible. This problem is industry-wide because there has been a transition, since the base period, to the use of new container sizes and types as well as new items differing in other repects. It is believed that this revision will enable all processors who packed the product in 1948 to calculate ceiling prices for these new items.

In most cases, the processor will calculate the ceiling price of an item not

sold during the base period by making a comparison between the opening prices of that item and of a comparison item as quoted in his written price list for 1950. If both items do not appear on the 1950 price list, the processor uses his 1949 or 1948 price list. Other methods are provided for items which cannot be priced in the above manner.

This amendment also includes a number of miscellaneous corrections and clarifications. Section 2 (c) has been amended to make it clear that the processor may figure separate raw material cost adjustments on a varietal basis if he has customarily sold the product on this basis. Section 3 (b) (1) is corrected by substituting 1948 for 1950. The borrowing provisions of section 6 (a) have been clarified and section 19 (a) is changed accordingly. The definition of "item" in section 26 (d) has been expanded so as to conform to the definition of "item" in Ceiling Price Regulation 42.

The changes effected in Ceiling Price Regulation 55 by this amendment are, in large part, the result of informal suggestions of the industry affected. While formal consultations with representatives of the industry were not practicable, it is the judgment of the Director of Price Stabilization that these changes reflect generally the views of the industry. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 55 is hereby amended in the following respects:

1. a. Section 1 (a) is amended by adding to the list of products covered the following:

Other canned vegetable juices including mixtures of juices but excluding sauerkraut juice.
Canned succotash.
Canned mixtures of vegetables.
Bottled catsup.
Canned catsup.
Canned tomato puree.
Canned tomato paste.
Canned tomato sauce.
Other canned and bottled tomato products.
Other canned fresh vegetables, excluding rhubarb, sauerkraut, asparagus, fresh cucumber pickles, pumpkin and squash.

b. The reference to "canned field peas" in section 1 (a) is amended to read as follows:

Canned fresh field peas and fresh shell beans (all varieties).

2. Section 1 (a) is amended by adding at the end thereof the following paragraph:

If, however, your gross sales of all items of processed fruits, berries, and vegetables were less than $40,000 during 1950, you may elect not to use this regulation, but if you so elect, sales of all such products remain under the General Ceiling Price Regulation (16 F. R. 808). If you elect not to determine your ceiling prices under this regulation, you shall so inform the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C., including with such notice a list of your General Ceiling Price Regulation ceiling prices for all items of fruits, berries, and vegetables processed by you.

3. Section 2 (a) (1) is amended by adding immediately after the second sentence thereof the following sentence: "If you made no sales of an item of a product during the base period as defined in section 26, you shall use as a substitute base period for that item the first 60 days subsequent to the base period as defined in section 26."

4. Section 2 (a) (3) is amended by adding immediately after the second sentence thereof, the following sentence: "You shall use only one 'base period' for each group of factories. Such 'base period' shall begin with the first day of pack of any item of the product being priced at the factory in such group having the earliest pack."

5. In Table I of section 2 (b), the listings of "canned field peas" and "canned snap beans" are amended as set forth below, and additional products are added to the Table as follows:

Product	Area		Adjustment factors
	Number	States included	
Canned vegetable juices (including mixtures but excluding tomato and sauerkraut juices).	I	Texas	1.11
	II	All other States	1.07
Canned succotash	I	All States	1.075
Other canned mixtures of vegetables [1]	I	do	1.10
Bottled catsup	I	California	1.04
	II	All other States	1.05
Canned catsup	I	California	1.06
	II	All other States	1.08
Canned tomato puree	I	Texas	1.55
	II	California	1.08
	III	All other States	1.10
Canned tomato paste (6 oz. and 7 oz. cans).	I	California	1.06
	II	All other States	1.075
Canned tomato paste (all other items)	I	California	1.04
	II	All other States	1.055
Canned tomato sauce	I	California	1.10
	II	All other States	1.13
Other canned and bottled tomato products.	I	All States	1.05
Canned snap beans	I	New England and New York	1.075
	II	Texas and Georgia	1.15
	III	Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, Oklahoma, North Carolina, South Carolina, Tennessee, and Virginia.	1.12
	IV	All other States	1.065
Canned fresh field peas and fresh shell beans (all varieties).	I	Georgia	1.17
	II	Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, and Virginia.	1.14
	III	All other States	1.10
Other canned vegetables (excluding sauerkraut, asparagus, rhubarb, pumpkin and squash, and fresh cucumber pickles).	I	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, North Carolina, South Carolina, Tennessee, Texas, and Virginia.	1.12
	II	All other States	1.075

[1] If you process an item which consists of a combination of two or more vegetables, you shall use the adjustment factor listed for "Other canned mixtures of vegetables" in table I only if the major vegetable constitutes less than 90 percent of the total volume of all vegetables used in the mixture. In other cases (i. e., when the major vegetable constitues 90 percent or more of the total volume) you shall use the adjustment factor listed for that vegetable.

6. Section 2 (c) is amended as follows:

a. By deleting the first clause and substituting therefor: "Next, you shall determine your raw material adjustment in accordance with the procedure of this paragraph. If you have determined a base price for a group of factories under paragraph (a) (3) of this section, in making the raw material adjustments under this paragraph you shall figure your weighted average raw material costs per ton, or other unit of purchase) on the basis of raw material costs for all of the factories included in the group."

b. By adding at the end thereof: "If you have customarily maintained a distinction among varieties in your sales of items of a product, you may figure a separate raw material adjustment for each variety."

7. Table II in section 2 (c) is amended in the following respects:

a. In the first column the following is added immediately after snap beans:

(including fresh shelled beans).

b. The column heading of the third column is amended by adding the following:

or other unit specified below.

c. The following raw materials are added to the table:

Raw material	Area	Maximum permitted increase in dollars per ton or other unit specified below	Maximum permitted increase in percentage of 1950 weighted average raw material cost
Spinach	Texas	$2.10	4
	California	15.30	68
	Virginia, Maryland	12.40	15
	Arkansas, Oklahoma	3.00	4
	New Jersey	2.10	2
	All other States	10.60	21
Pimientos	All States	3.90	6
Irish potatoes	do		75
Sweet potatoes	Louisiana (per bushel)	.51	
	Maryland, Delaware, New Jersey, Virginia and North Carolina (per bushel).	.27	
	All other States (per bushel)	.31	

8. Section 3 (b) (1) is amended by substituting "1948" for "1950".

9. Section 4 is amended to read as follows:

SEC. 4. *Ceiling prices for processors who did not sell the item during the base period but who sold other items of the product during that period.* This section applies to most items for which ceiling prices cannot be determined under sections 2 or 3.

(a) *Comparison with other items appearing on your price list.* This paragraph provides a method for determining ceiling prices for an item you did not sell during the base period by making a comparison between the opening prices for that item and for a "comparison item" as quoted in your "price list". The "comparison item" is limited to an item of the product for which you determine a ceiling price under sections 2 or 3. Your "price list" means the first written opening price list from among your lists for 1950, 1949 or 1948 (in that order) on which the comparison item and the item being priced both appear.

(1) *Items which differ only in container size or type.* You shall select as a "comparison item" from your price list that item differing only in container size or type which is nearest in container size to the item being priced. No. 10 and No. 3 cylinder sizes shall neither be priced nor used as comparison items under this subparagraph. To obtain your ceiling price, you shall:

(i) Divide the price on your price list for the item being priced by the price on your price list for the comparison item.

(ii) Multiply the ceiling price as determined under sections 2 or 3 for the comparison item by the quotient obtained in subdivision (i) of this subparagraph. The result is your ceiling price for the item being priced.

(2) *Items which differ only in grade.* You shall select as a "comparison item" from your price list that item differing only in grade which is nearest in price to the item being priced. Sub-standard grades shall neither be priced nor used as comparison items under this subparagraph. To obtain your ceiling price, you shall:

(i) Divide the price on your price list for the item being priced by the price on your price list for the comparison item.

(ii) Multiply the ceiling price as determined under sections 2 or 3 for the comparison item by the quotient obtained in subdivision (i) of this subparagraph. The result is your ceiling price for the item being priced.

(3) *Items which differ in variety, style of pack, sieve size or count.* You shall select as a "comparison item" from your price list that item differing in variety, style of pack, sieve size or count (which may or may not also differ in grade or container size) which is nearest in price to the item being priced. Sub-standard grades shall neither be priced nor used as comparison items under this subparagraph. To obtain your ceiling price, you shall:

(i) Divide the price on your price list for the item being priced by the price on your price list for the comparison item.

(ii) Multiply the ceiling price as determined under sections 2 or 3 for the comparison item by the quotient obtained in subdivision (i) of this subparagraph. The result is your ceiling price for the item being priced.

(b) *Ceiling prices for items of a product in new container sizes.* If you are unable to calculate your ceiling price for an item under paragraph (a) of this section and if you can obtain a "comparison item", you shall calculate your ceiling price under this paragraph. Your "comparison item" is the item of the same product (i) for which you are able to figure a ceiling price under section 2, 3, or 4 (a) even though you no longer sell the product in that container size, (ii) which differs from the item being priced only in container size, and (iii) which is nearest in container size to the item being priced but is not more than 75 percent larger or smaller in size. Then to obtain your ceiling price, you shall:

(1) Obtain the f. o. b. factory ceiling price per dozen containers for the comparison item.

(2) Subtract from subparagraph (1) of this paragraph, the "container cost" per dozen containers of the comparison item. "Container cost" means the current net cost to the processor, delivered at his factory, of containers, caps, labels and proportionate shipping cartons.

(3) Divide the label weight of the item being priced by the label weight of the comparison item.

(4) Multiply the figure determined under subparagraph (2) by the quotient obtained in subparagraph (3) of this paragraph.

(5) Add to the result of subparagraph (4) of this paragraph the current "container cost" per dozen containers of the item being priced. The result is your ceiling price, f. o. b. factory, per dozen containers of the item being priced.

(c) *Items for which ceiling prices cannot be determined under paragraphs (a) and (b).* If you are unable to calculate your ceiling price for an item under paragraph (a) or (b) of this section but are able to calculate ceiling prices for other items of the same product under sections 2, 3, or paragraph (a) or (b) of this section, you shall calculate your ceiling price for the item being priced in the following manner:

(1) Select as a "comparison item" an item of the same product for which you have calculated a ceiling price under section 2, 3, or paragraphs (a) or (b) of this section and which differs from the item being priced in one or more of the following respects: Container size, container type, grade, style of pack, sieve size, or count. This comparison item shall be the item of the product whose "current direct cost" per dozen containers is closest to that of the item being priced. "Current direct cost" means the sum of the amounts (not higher than permitted by law) which it costs you for direct processing labor, ingredients, and packaging materials.

(2) Determine the "current direct cost" per dozen containers of the comparison item.

(3) Determine the "current direct cost" per dozen containers of the item being priced.

(4) Divide the current direct cost of the item being priced by the current direct cost of the comparison item.

(5) Multiply the ceiling price for the comparison item selected in subparagraph (1) of this paragraph by the quotient obtained in subparagraph (4) of this paragraph. The result is your ceiling price for the item being priced.

10. The title of section 6 and all of section 6 (a) are amended to read as follows:

SEC. 6. *Ceiling prices for processors who are unable to figure their ceiling prices under sections 2, 3 or 4 of this regulation.* (a) If you are unable to figure your ceiling price for an item under sections 2, 3 or 4 of this regulation, you shall use as your ceiling price for the item the simple average of the ceiling prices for the item of the three processors of the item located nearest your factory in the same pricing area as defined in section 2 (a) (3) and who have determined their ceiling prices under sections 2, 3 or 4 of this regulation. If there are less than three processors in this area, use the simple average of two available ceiling prices. If there is only one ceiling price available, you may use such price. If you are unable to secure the ceiling prices of these processors, you shall apply to the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C., for individual authorization of a ceiling price in accordance with section 7 of this regulation.

11. Section 19 (a) is amended by adding the following sentence after the first sentence thereof: "If you determine your ceiling price for an item under section 6 (a) you shall furnish the names and addresses of the processors from whom you borrowed ceiling prices, together with the ceiling prices borrowed."

12. Section 26 (a) is amended to read as follows:

(a) "Base period" of a product means the sixty-day period beginning with and including the first day in 1948 that the processor processed any item of that product. For a vegetable product which has two separate and distinct pack seasons, "base period" means the period of one hundred and twenty days obtained by adding the sixty-day period in 1948 for the earlier pack to the sixty-day period in 1948 for the later pack. Each of these sixty-day periods begins with and includes the first day in 1948 that the processor processed any item during the separate pack seasons.

13. Section 26 (d) is amended by adding the following at the end thereof: "Brand names shall not in themselves constitute separate items."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Effective date. This amendment is effective October 20, 1951, or such earlier date between October 5, 1951 and Octo-

ber 20, 1951 as you may select. If you select an earlier date with respect to any product added by this amendment, this amendment becomes effective as to you upon that date for all such products. If you select an earlier date with respect to any item of a product the ceiling price of which is recalculated under Ceiling Price Regulation 55 as amended by this amendment, this amendment becomes effective as to you upon that date for all items of that product.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 5, 1951.

[F. R. Doc. 51-12164; Filed, Oct. 5, 1951; 11:42 a. m.]

[General Overriding Regulation 16, Amdt. 1]

GOR 16 — TEMPORARY DISTRESS AREA AJUSTMENTS FOR CATTLE AND MEAT SOLD AT WHOLESALE

TEMPORARY FLOOD THREAT ADJUSTMENT FOR LIVE CATTLE PURCHASES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order 2 (16 F. R. 738) this Amendment 1 to General Overriding Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

Because of the threat of another flood in Kansas City, the railroads on September 5, 1951, declared an embargo on the shipment of cattle into that area. This embargo lasted through September 6 and the slaughterers in the area found it necessary to ship their cattle from plants in Kansas City to other plants. Because of the increased transportation and feeding and handling costs and shrinkage, it would be unduly burdensome to require compliance on these cattle under Ceiling Price Regulation 23. Therefore, section 6, GOR 16 is amended to exclude such cattle from price compliance.

In formulating this amendment the Director of Price Stabilization has consulted with industry representatives and has given full consideration to their recommendations. In his judgment, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

General Overriding Order 16 is amended by inserting at the end of section 6 immediately before section 7 the following paragraph:

If you are a slaughterer who purchased cattle for slaughter in an establishment located in Kansas City, Kansas, and if on September 5, 1951, or September 6, 1951, you shipped these cattle from a slaughtering establishment located in Kansas City to a slaughtering establishment located outside Kansas City because of the threat of flood, you need not include such cattle in Items 19, 20, 21, 22 and 23 of OPS Public Form 13 which you file for the establishment located outside Kansas City where such cattle were slaughtered. However for all such cattle you must file a separate OPS Public Form 13, listing only the information required by Items 1 through 18 of such form. A copy of the freight bill for the transportation of such cattle by rail or truck from Kansas City to the establishment located outside Kansas City must be attached to the latter form.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on October 4, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

OCTOBER 4, 1951.

[F. R. Doc. 51-12145; Filed, Oct. 4, 1951; 4:39 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A]

M-6A—STEEL DISTRIBUTORS

This order is found necessary and appropriate to promote the national defense and is issued under the authority granted by section 101 of the Defense Production Act of 1950, as amended, and to further implement the provisions of the Statement of Principles for Economic Cooperation, dated October 25, 1950, issued by the Governments of the United States and Canada. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order and CMP Regulation No. 4 apply to steel distributors. This order requires producers to make monthly shipments of steel products to steel distributors on the basis set out in the order. It requires steel distributors to identify their purchase orders. It limits the required acceptance by distributors of purchase orders from any one purchaser during any one week. It makes provisions for the earmarking of certain steel distributors' stocks. It includes provisions incidental to the effectuation of the foregoing.

SEC. 2. *Effective date.* This order becomes effective January 1, 1952, except as indicated in this section. To the extent that distributors place orders with producers for steel products to be delivered on or after January 1, 1952, the provisions of section 4 (a) and section 5 of this order shall become effective October 5, 1951. Section 7 shall also become effective October 5, 1951. NPA Order M-6 will be revoked effective January 1, 1952.

SEC. 3. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Steel product" means an iron or steel product set forth in List A of this order, subject to footnotes contained in List A.

(c) "Producer" means a person who produces one or more steel products.

(d) "Steel distributor" means any person (including a warehouseman, jobber, dealer, or retailer) engaged in the business of stocking any steel product at one or more locations regularly maintained by him for such purpose, for sale or resale, in the form or shape as received or after performing the operations described in the next sentence of this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are cutting, shearing, burning, or torch cutting to length, size, or shape; pipe threading; sorting and grading, and the like. A person who, in connection with any sale of any steel product from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare such material for final use or assembly, shall not be deemed a distributor with respect to such sale; and a person who, in connection with any purchase of any steel product for resale, does not take physical delivery of any such steel product into his own stock at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale. The term shall also include any steel distributor domiciled in, or incorporated under the laws of, the Dominion of Canada or any province thereof.

(e) "Base period" means the period commencing January 1, 1950, and ending September 30, 1950.

(f) "Base tonnage" means the average monthly shipments of any one steel product made by any one producer during the base period to any one distributor customer.

(g) "Item" means any steel product which is different from all other steel products by reason of one or more of its specifications, such as width, thickness, temper, alloy, or finish.

(h) "Alloy steel" means any steel (other than stainless steel and low alloy high strength steel) which contains any

one or more of the following elements in the following amounts:

Manganese in excess of 1.65 percent maximum.
Silicon in excess of 0.60 percent maximum.
Copper in excess of 0.60 percent maximum.
Aluminum, boron, chrominum, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying element, in any amount specified or known to have been added to obtain a desired alloying effect.

(i) "Stainless steel" means any steel which is heat- and corrosion-resisting steel containing 10 percent or more of chromium either with or without nickel, molybdenum, or other elements, and containing 50 percent or more of iron. This term also includes stainless-clad steel.

(j) "Carbon steel" means any steel customarily so classified. The term includes low alloy high strength steel.

(k) "NPA" means the National Production Authority.

SEC. 4. *Shipments to distributors.* (a) Each producer is hereby required to accept purchase orders from his steel distributor customers for shipments of steel products in January 1952 and subsequent months to the extent provided in this section. Each producer must accept purchase orders which call for shipments of any one or more of the steel products shipped by him to each steel distributor customer during the base period up to a minimum of not less than 100 percent of the base tonnage of each such steel product shipped to each steel distributor customer during the base period: *Provided, however,* That such orders are placed with the steel producers in accordance with the lead times for the various steel products set forth in Schedule III of CMP Regulation No. 1, as amended from time to time: *And further provided,* That orders placed under the provisions of this section must be for substantially the same products as were supplied to each steel distributor during the base period, except for minor variations in size and design.

(b) Whenever sales can be made without conflicting with other NPA orders, regulations, directions, or directives, a producer may sell to any steel distributor customer any tonnage of any steel product over and above the minimum tonnage, and may also sell to any steel distributor who has no base tonnage, any tonnage of any steel product. In determining the amount of the minimum monthly allotments, adjustments may be made by a producer with the consent of the steel distributor customer involved, to provide for any abnormal situations which affect any steel products.

SEC. 5. *Identification of orders.* In ordering steel products from producers, pursuant to section 4 of this order, for shipment during January 1952 and subsequent months, each steel distributor is hereby required to identify each purchase order as an M–6A order. Such identification shall be placed or stamped on each purchase order in a prominent place so that the order may readily be identified as an M–6A purchase order.

SEC. 6. *Item limitation for acceptance of authorized controlled material orders by distributors.* No steel distributor shall be required to make delivery on an authorized controlled material order from inventory to any one customer to any one destination during any calendar week of any item of a steel product in quantities in excess of the following:

Any item of carbon steel more than 8,000 pounds.
Any item of alloy steel more than 5,000 pounds.
Any item of stainless steel sheet more than 2,000 pounds.
Any item of stainless bars and plates more than 1,000 pounds.
Any item of stainless tubing or pipe more than 1,000 pounds or feet, whichever is less.

In no case shall a steel distributor be required to make deliveries to any one customer aggregating 40,000 pounds or more during any calendar week unless the deliveries include 10 or more different items, subject to the limitations of the preceding sentence as to each item.

SEC. 7. *Certain earmarked distributors' stocks.* NPA from time to time may earmark particular steel products in the inventory of any steel distributor for special treatment by such distributor. Any such earmarking shall be accomplished by the issuance by NPA of published schedules under this order or by directives to specified distributors. Such schedules or directives may provide, among other things, that the steel products so earmarked shall be held by the steel distributor solely for sale to persons designated by an agency of the United States Government. Such schedules or directives may contain such other provisions particularly applicable to such earmarked stock as NPA may deem appropriate. All provisions of any schedule or directive shall be deemed to be incorporated into and made a part of this order as of the effective date of the schedule, or directive, or amendment, thereto, as the case may be. In the event of any inconsistency between a schedule or directive and this order, the provisions of the schedule or directive shall govern. Schedules or directives may be issued or amended at any time and from time to time, and shall remain in full force and effect until individually amended, superseded, or revoked.

SEC. 8. *Direct shipments.* Nothing in this order shall be deemed to prevent a steel distributor, who normally acted as authorized agent of a producer, from acting not only in the capacity of a steel distributor as defined in section 3 of this order, but also acting as an agent of a producer for the purpose of receiving and transmitting to such producer authorized controlled material orders, as defined in section 2 of CMP Regulation No. 1, for direct shipment by the producer to the person placing such order.

SEC. 9. *Relation to other NPA orders and regulations.* All provisions of any NPA regulation or order are superseded to the extent that such provisions are inconsistent with this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

SEC. 10. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resultant unemployment that would impair the defense program. Each request shall be in writing, by letter in duplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system assures an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have maintained or who may maintain such microfilm or other photographic records in the regular and usual course of business.

(b) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

(c) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–6A.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or of using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved

by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Except as provided in section 2, Order M–6A shall take effect on January 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

Issued: October 5, 1951.

LIST A OF NPA ORDER M–6A

INDUSTRIAL STEEL PRODUCTS

Product groups	Types		
	Carbon	Stainless	Other alloy [1]
1. Blooms, billets, slabs, tube rounds, die blocks, sheet, and tin bars	X	X	X
2. Structural shapes and piling	X	-------	X
3. Plates (universal and sheared) including skelp	X	X	X
4. Rails and track accessories	X	-------	X
5. Hot-rolled bars—except concrete reinforcing bars but including forged, galvanized, and wrought iron bars	X	X	X
6. Concrete reinforcing bars (unfabricated)	X	-------	-------
7. Cold-finished bars	X	X	X
8. Sheets and strip, hot-rolled	X	X	X
9. Sheet and strip, cold-reduced	X	X	X
10. Tin mill black plate, tin plate, and terneplate	X	-------	-------
11. Sheets and strip, all other but not including items under Merchant Trade Steel Products	X	X	X
12. Welded tubing	X	X	X
13. Seamless tubing	X	X	X
14. Tool steel, including drill rod	X	-------	X
15. Wire rope and strand	X	-------	X

MERCHANT TRADE STEEL PRODUCTS

CARBON AND LOW ALLOY ONLY

16. Standard and line pipe, water well tubular products, and couplings [2] (includes steel and wrought iron pipe).
17. Oil country casing, tubing, drill pipe, and couplings.[2]
18. Galvanized, lead-coated, or painted sheet and strip, purchased for the manufacture of roofing and siding, formed roofing and siding (painted, black, galvanized, or lead-coated) valley ridge roll, and flashing.
19. Nails (cut and wire), fence and netting staples.
20. Wire, drawn.
21. Wire bale ties.
22. Wire (barbed and twisted) and wire fence (woven or welded).
23. Wire netting.
24. Fence posts.
25. Welded wire concrete reinforcing mesh.

[1] Irrespective of the percentage of any grades of commercial quality alloy steels shipped by a producer to his steel distributor customer during the base period, each minimum tonnage of such alloy steels to be shipped shall be in any grades with a melting range of 0.70 maximum nickel, or 0.15 maximum molybdenum used individually or in combination, with or without chromium, or any non-nickel, or non-molybdenum-bearing grades, with or without chromium.

[2] Threaded couplings of the type normally supplied on threaded pipe by pipe producers.

[F R. Doc. 51–12176; Filed, Oct. 5, 1951; 12:28 p. m.]

[NPA Order M–44, as Amended October 4, 1951]

M–44—POWER EQUIPMENT AND ELECTRIC EQUIPMENT: PRODUCTION AND DELIVERY

This order as amended is found necessary and appropriate to promote the national defense and is issued under the authority granted by the Defense Production Act of 1950, as amended. In the formulation of the amendments of this order there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

NPA Order M–44 is hereby amended by changing the title from "Power Equipment: Production and Delivery" to "Power Equipment and Electric Equipment: Production and Delivery," and in the text of the order by changing the words "heavy power equipment" to read "power equipment or electric equipment," as the context requires. Schedule A of the order is amended by adding gas turbines, gas turbine generator sets, turbine gears, reactors, rectifiers, and synchronous condensers. The product "steam boilers" is changed to "steam generators" to avoid any confusion with boilers made exclusively for heating purposes. Minor changes are made in the definition of steam generators, coal pulverizers, switchgear, and transformers. Monthly order boards will be filed in the same manner as under the existing order, but section 6 has been changed to permit new orders to be scheduled where such orders will not displace or delay approved delivery dates of existing orders. This obviates the necessity of specific approval of the scheduling of each new order. Section 9 of the order is amended to eliminate all exemptions from the order except by specific action of NPA. As so amended, NPA Order M–44 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Reports.
4. Modification of production and delivery schedules.
5. Defense requirements paramount.
6. Adherence to production and delivery schedules.
7. Impossibility or impracticability of adherence.
8. NPA assistance.
9. Exemptions.
10. Applications for adjustment or exception.
11. Communications.
12. Records, audit, inspection, and reports.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order requires manufacturers of power equipment and electric equipment, as listed and described in Schedule A of this order, to file monthly reports, beginning not later than October 15, 1951, showing orders on hand for such equipment and the related production and delivery schedules. It also requires such manufacturers to maintain, modify, or alter production and delivery schedules as the National Production Authority (hereinafter referred to as NPA) may direct. This order supplements NPA Reg. 2. However, only those provisions of NPA Reg. 2 which are in conflict with this order are superseded, and all other provisions of Reg. 2 shall continue to apply to persons to whom this order and any directives issued hereunder may apply.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Power equipment" and "electric equipment" mean and include any piece or pieces of power equipment or electric equipment of the types listed and described in Schedule A of this order.

(c) "Manufacturer" means a person who machines, fabricates, rolls, presses, welds, bolts, or otherwise incorporates steel, copper, or aluminum into finished power equipment or electric equipment.

SEC. 3. *Reports.* Not later than the fifteenth day of each calendar month, every manufacturer of power equipment and electric equipment shall file with NPA, in accordance with the format prescribed by Form NPAF–31 (Revised), a report for the period therein specified setting forth his power equipment and/or electric equipment orders on hand, and the related production and delivery schedules, and such other information respecting power equipment and/or electric equipment on order or in process as may be required by said form. The first such report shall be filed not later than October 15, 1951.

SEC. 4. *Modification of production and delivery schedules.* With respect to the production and delivery of power equipment and electric equipment, NPA may:

(a) Direct the return or cancellation of any order on the books of a manufacturer;

(b) Direct changes in the production or delivery schedules of a manufacturer, requiring him to fill orders in such sequence as it may determine;

(c) Allocate orders placed with any manufacturer to another manufacturer or manufacturers;

(d) Take such other action as it deems necessary concerning the placing of orders for power equipment or electric equipment or parts thereof or concerning the production or delivery of power equipment or electric equipment or parts thereof.

SEC. 5. *Defense requirements paramount.* Allocations and directions issued under this order will be made by NPA so as to insure satisfaction of all defense requirements of the United States, both direct and indirect, and may be made in the discretion of NPA without regard either to the provisions of NPA Reg. 2 or to the preferences created by rated orders.

SEC. 6. *Adherence to production and delivery schedules.* Subject to the provisions of sections 4 and 5 of this order, production and delivery schedules filed pursuant to section 3 of this order shall be deemed to have been approved as filed, unless by the first day of the month following the filing of the report setting forth such production and delivery schedules NPA shall have specifically advised the manufacturer to the contrary.

On and after October 16, 1951, each manufacturer shall produce, ship, or deliver power equipment and/or electric equipment only in accordance with his most recent schedule as the same may have been approved, modified, or altered by NPA, and no manufacturer shall interfere with any schedule so approved, modified, or altered, or disregard the same by adding, eliminating, displacing, or altering the precedence of any order listed for production or delivery thereon unless he is specifically authorized or directed to do so by NPA: *Provided, however,* That such manufacturer may add new orders to his production schedule in any month where his production capacity is not otherwise completely filled and the addition of a new order or orders will not result in delay in the approved delivery date of any existing order.

SEC. 7. *Impossibility or impracticability of adherence.* A manufacturer who for any reason finds it impossible or impracticable to maintain production or delivery of power equipment or electric equipment in accordance with the schedule or schedules so approved, modified, or altered by NPA shall forthwith notify NPA, stating the reasons for such impossibility or impracticability.

SEC. 8. *NPA assistance.* In the case of a manufacturer so finding it impossible or impracticable to adhere to a production or delivery schedule, NPA may assist him by such means and to such extent as in its discretion the circumstances require.

SEC. 9. *Exemptions.* NPA may by specific action excuse any manufacturer from the filing of the report or any part thereof as required by section 3 of this order. In general, manufacturers may be excused if:

(a) A review of the production schedule filed shows that the orders listed thereon are not directly related to national defense or defense supporting industries; or

(b) The production schedule filed represents a relatively small proportion of the manufacturer's total plant output; or

(c) The production schedule contains relatively few items delivery of which must be carefully coordinated with large and important construction projects; or

(d) Conditions in the industry covered by the production schedule are known to be satisfactory to the extent that deliveries requested for defense or defense supporting projects can be met.

SEC. 10. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C. Ref.: M–44.

SEC. 12. *Records, audit, inspection, and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of micro-film or other photographic copies instead of the originals by those persons who have maintained or may maintain such micro-film or other photographic records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privileges of making or receiving further deliveries of materials or of using facilities under priority or allocation control, and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on October 4, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE A TO NPA ORDER M–44

PRODUCT	DEFINITION
Coal pulverizers	Pulverizers and related combustion equipment designed for the primary purpose of pulverizing solid fuel for firing any type of furnace, excluding those for locomotive use.
Electric generators	Generators designed to be driven by diesel or gas engines operating at 750 r. p. m. or less, and generators designed to be driven by steam or hydraulic turbines.
Oil circuit breakers	Oil circuit breakers of 2,200 volts or higher.
Air circuit breakers	Air circuit breakers except type AB, ET, or similar.
Power switchgear	Power switchgear, including all equipment for control and protection of apparatus used for power generation, conversion, transmission, and distribution, including disconnecting switches, bus supports, fittings, associated interconnections, and supporting structures; buses and bus structures, cutouts, power fuses, and current limiting resistors.
Metal-clad switchgear	Metal-enclosed switchgear containing oil circuit breakers, 2,200 volts and higher, or air circuit breakers except type AB, ET, or similar; power switchboards; power protective relays.
Transformers	Liquid-filled and dry type power transformers with a capacity of 501 kv.-a. and larger, furnace transformers with a capacity of 501 kv.-a. and larger, rectifier transformers with a capacity of 300 kw. and larger.
Reactors	Current limiting reactors, 15 kv. and above, 500 amp. and larger.
Rectifiers	Mercury arc rectifiers and mechanical rectifiers for d. c. electric power supply, 300 kw. and larger.
Steam turbines	Steam propelled turbines, either direct-connected or geared, except those designed for aircraft or locomotive use.
Hydraulic turbines	Hydraulic and hydroelectric turbines and water wheels.
Synchronous condensers	7,500 kv.-a. and larger.
Internal combustion engines	Oil diesel, dual fuel, and spark ignition gas engines operating at 750 r. p. m. or less.
Steam turbine generator sets	Steam-propelled turbine generator sets, except for aircraft or locomotive use.
Steam condensers	Steam condensers of the surface, jet, or barometric type, inter and after condensers, and steam jet air ejectors, or any combination thereof designated for use in the generation of power, not including those for locomotive use. Steam condensers means any steam condenser which uses water as a circulating medium, designed to condense exhaust steam from a prime mover or from jets of a steam jet air pump.
Gas turbines	Combustion-type gas turbines, either direct-connected or geared, except aircraft type.

SCHEDULE A TO NPA ORDER M-44—Continued

PRODUCT AND DEFINITION—continued

Gas turbine generator sets	Combustion-type gas turbine generator set, except for aircraft.
Gears, turbine	All gears driven by steam or gas turbines.
Hydraulic turbine generator	Hydraulic (water) turbine driven generator sets.
Steam generators	Steam generators designed for a pressure of more than 100 pounds per square inch gage, and with a heating surface of 500 square feet or more, exclusive of those for locomotive use, including the following auxiliaries when built by the manufacturer reporting and when used as part of the complete generating unit: superheaters, reheaters, desuperheaters, water walls, oil burners, gas burners, pulverized coal burners, economizers, air preheaters, and flues and ducts.

[F. R. Doc. 51-12121; Filed, Oct. 4, 1951; 2:58 p. m.]

[NPA Order M-85]

M-85—EMERGENCY RADIO COMMUNICATIONS NETWORKS AND ASSOCIATED ACTIVITIES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950, as amended. In the formulation of this order there has been consultation with industry representatives, including representatives of amateur radio networks, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected by this order has been found impracticable because the order affects a large number of different trades and industries.

Sec.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 6.

SECTION 1. *What this order does.* The purpose of this order is to provide assistance to amateur radio operators and active members of the Civil Air Patrol in obtaining materials for the maintenance and repair of their radio stations and stations used by Civil Air Patrol, for capital additions to such stations, and for new stations. It makes special provision for those operators who are members of emergency radio communications networks. It assigns each operator a quota within the limits of which he may use a symbol or rating to obtain materials, and allows operators to combine their quotas in making purchases within the provisions of this order.

SEC. 2. *Definitions.* As used in this order:

(a) "Amateur radio operator" means any individual who is licensed by the Federal Communications Commission to operate an amateur radio station within the United States, its territories and possessions, and who has been assigned call letters for such operation.

(b) "Maintenance" means the minimum upkeep necessary to continue any station or equipment in sound working condition; and "repair" means the restoration of any such station or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like.

(c) "Capital additions" means any improvement of or addition to a station. As used in this order, capital additions may include material for establishing new stations within the quota limitations of this order.

(d) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(e) "Controlled materials" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, as from time to time amended.

(f) "Delivery order" means any purchase order, contract, or shipping or any other instruction calling for delivery of any material or product.

(g) "Station" means any amateur radio station and any radio station used by Civil Air Patrol.

(h) "NPA" means the National Production Authority.

SEC. 3. *Assignment of symbol and rating.* (a) Subject to the quota and other limitations of this order, every amateur radio operator is hereby assigned the right, without application to NPA, to use the allotment symbol MRO on delivery orders for controlled materials, and the rating DO-MRO on delivery orders for materials other than controlled materials. Any materials obtained on such orders shall be used only for maintenance, repair, and capital additions.

(b) A delivery order bearing the symbol MRO, together with the certification provided for in section 8 of this order, is hereby designated as an authorized controlled material order for the purposes of all CMP regulations.

(c) A delivery order bearing the rating DO-MRO, together with the certification provided for in section 8 of this order, is hereby designated as a rated order with an allotment symbol for the purposes of all NPA regulations and orders.

SEC. 4. *Materials for which the allotment symbol MRO and the rating DO-MRO may not be applied or extended.* The allotment symbol MRO and the rating DO-MRO shall not be applied or extended to obtain any of the materials contained in Schedules I or II of CMP Regulation No. 5 as from time to time amended.

SEC. 5. *Use of quota.* (a) Each amateur radio operator shall have a quota against which all delivery orders placed with the use of the symbol MRO or the rating DO-MRO must be charged. The cost to him of materials (after deduction of freight and discounts) ordered with the use of said symbol or rating shall be charged against his quota.

(b) There is no limitation on the amount of materials which an amateur radio operator may order without the use of a symbol or rating.

(c) The period to which the quota applies (hereinafter called the "quota period") shall be the 12-month period ending August 31 of any year, beginning with the 12-month period ending August 31, 1952.

(d) The quota of each amateur radio operator shall be (1) $200 during each quota period for each amateur radio operator who is an active member of a network mentioned in Schedule I of this order; (2) $100 during each quota period for any other amateur radio operator. Membership in more than one network shall not increase the quota.

(e) No amateur radio operator shall during any quoto period place orders for materials with the use of the symbol or rating in excess of his quota regardless of the delivery dates specified in his orders. A delivery order which is subsequently cancelled shall not be charged against the operator's quota, but no person shall at any time during any quota period place orders, delivery against which would cause his quota to be exceeded.

(f) In making purchases as provided in this order, it is not necessary that the station or stations for which the material is ordered be owned or operated by the person making the purchase. Thus an operator to whom this order applies may (1) purchase under his quota materials required by other such operators for the purposes of this order; (2) request other such operators to order, against their quotas, material required by him for the purposes of this order; or (3) combine his quota with those of other such operators for the purposes of this order.

(g) No material procured by the use of the symbol or rating provided by this order shall be used except for maintenance or repair of, or capital additions to, a station.

SEC. 6. *Relation to regulations or other orders.* No operator covered by this order shall for the purposes of any sta-

tion covered by this order, use any allotment symbol, allotment number, or rating, to obtain materials except as provided in this order.

SEC. 7. *Civil Air Patrol members with other licenses.* All the rights, limitations, and other provisions of this order referring to amateur radio operators shall also be deemed to refer to those active members of the Civil Air Patrol holding a valid Federal Communications Commission first class, second class, or third class restricted radio telephone or radio telegraph license.

SEC. 8. *Certification.* (a) Each delivery order to which any operator applies the allotment symbol MRO or the rating DO-MRO shall also contain a certification. Such certification shall be in either of the following forms, as appropriate:

Certified under NPA Order M-85 for amateur radio station use only

or

Certified under NPA Order M-85 for station used by Civil Air Patrol

(b) The certification shall be signed by each amateur radio operator against whose quota the order, or any part thereof, is charged. Each signature shall be followed by the call letters assigned by the Federal Communications Commission to the amateur radio operator or, if the order is placed by a person pursuant to section 7 of this order, by the call letters of the Civil Air Patrol station with which he is associated. On delivery orders signed by more than one amateur radio operator, each shall indicate what portion of the delivery order shall be charged against his quota.

(c) The certification shall constitute a representation to the supplier and to NPA that the operator or operators who signed the certification are authorized to use the allotment symbol or the rating under the provisions of this order.

SEC. 9. *Procurement problems under this order.* It is expected that the emergency networks listed in Schedule I of this order will keep themselves informed of procurement problems of their members and that such networks will provide the normal point of contact between such members and NPA.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of delivery orders placed, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method nor does it require alteration of the system of records customarily maintained, provided the system assures an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have maintained or may maintain such microfilm or other photographic records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such additional reports to NPA as it shall require subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by other persons in the same trade or that its enforcement against him would not be in the interest of national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resultant unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-85.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other regulation or order of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on October 4, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I OF NPA ORDER M-85

The $200 quota limitation shall apply to each individual who is an active member of one or more of the following groups:

1. Military Amateur Radio System (U. S. Army).
2. Military Amateur Radio System (U. S. Air Force).
3. Radio Amateur Civil Emergency Service.
4. National Traffic System.
5. Flood Emergency Network of Radio Amateurs.
6. American Red Cross, National Emergency Net.
7. Civil Air Patrol.
8. U. S. Naval Reserve (if operating privately owned radio equipment as part of the U. S. Naval Reserve Communications Network).
9. Amateur Radio Emergency Corps.

[F. R. Doc. 51-12122; Filed, Oct. 4, 1951; 2:58 p. m.]

[NPA Order M-86]

M-86—DISTRIBUTION OF COPPER WIRE MILL PRODUCTS TO DISTRIBUTORS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. How a distributor obtains copper wire mill products.
4. X-6 quotas.
5. Limitations on acceptance of x-6 orders by copper wire mills or distributors.
6. Limitations on acceptance of orders by distributors.
7. Inventory limitations.
8. Certification.
9. Inventories at separate locations.
10. Applicability of other regulations and orders.
11. Records and reports.
12. Applications for adjustment or exception.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101; E. O. 10161; Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide for the maintenance of minimum reasonable inventories by distributors of copper wire mill products. It describes how orders for copper wire mill products shall be accepted and filled by distributors and how such shipments shall be replaced by copper wire mills. It authorizes distributors to place authorized controlled material orders within certain limitations, sets forth limitations, or on the required acceptance of such orders by copper wire mills or other distributors and revokes the authority of distributors to place orders certified under Direction 1 to NPA Order M-11 or to receive shipments of material so ordered.

SEC. 2. *Definitions.* As used in this order: (a) "Base period" means the period commencing January 1, 1950, and ending December 31, 1950. If a person operated on a fiscal year basis prior to December 31, 1950, he may elect to take as his base period his last fiscal year ending prior to that date. After such election has been made, it may not thereafter be changed without the prior written approval of NPA.

(b) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United

States Government or of any other government.

(c) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cable, where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(d) "Copper wire mill" means any person who produces copper wire mill products.

(e) "Item of copper wire mill product" means any copper wire mill product which differs from other copper wire mill products by reason of one or more differences in its specifications (except temper or length), such as size, alloy, or insulation.

(f) "Inventory" means copper wire mill products owned by a distributor or held by him on consignment within the United States, its territories and possessions, for resale as copper wire mill products. It does not include copper wire mill products held by him for fabrication, whether for his own account or for others, or direct mill shipments by a copper wire mill to a distributor's customer.

(g) "Distributor" means any person (including a warehouseman or jobber, but not a retailer), engaged in the business of stocking copper wire mill products received from a copper wire mill or another distributor at a location regularly maintained by him for such purpose, for sale or resale in the form or shape received, or after straightening or cutting to length, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. A distributor shall be deemed to be such only with respect to such copper wire mill products as are regularly maintained in his inventory. The sale at retail of copper wire mill products, or occasional or accommodation sales or purchases from copper wire mills shall not constitute engaging in the business of distributing copper wire mill products. Any copper wire mill maintaining an inventory of copper wire mill products at a location other than the mill and regularly engaged in the business of making sales from such inventory as a distributor shall be deemed to be a distributor with respect to such inventory and business for the purposes of this order. Any warehouse maintained by a copper wire mill for the sole purpose of distributing quantities of copper wire mill products received in carload quantities to copper wire mill distributors in less than carload quantities, as the result of orders previously received by such copper wire mill, shall not be deemed a distributor for the purposes of this order.

SEC. 3. *How a distributor obtains copper wire mill products.* (a) Commencing October 5, 1951, and subject to the quantity limitations contained in section 4 of this order, a distributor may apply the CMP allotment symbol X-6 to orders for copper wire mill products for the purpose of replacing his inventory of such products.

(b) A delivery order bearing the symbol X-6, together with the certification provided for in section 8 of this order, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(c) Notwithstanding the provisions of Directions 1 and 4 to NPA Order M-11, no distributor of copper wire mill products may place an order certified pursuant to Direction 1 to NPA Order M-11 after October 5, 1951, and any such order certified pursuant to such direction calling for delivery after December 31, 1951, shall be cancelled. No copper wire mill products shall be shipped after October 15, 1951, pursuant to such certified order placed prior thereto and calling for delivery before January 1, 1952, unless prior to October 15, 1951, such order is converted into an authorized controlled material order bearing the allotment symbol X-6, as provided in paragraph (e) of section 19 of CMP Regulation No. 1.

SEC. 4. *X-6 quotas.* (a) Commencing October 5, 1951, a distributor may place orders with copper wire mills or with other distributors for a quantity of copper wire mill products (measured in pounds of copper content) equal to the quantity by which 25 percent of his shipments of such products from his inventory during his base period exceeds the copper content of his inventory of copper wire mill products on September 30, 1951, to which orders the allotment symbol X-6 may be applied. All such orders placed pursuant to this paragraph shall call for delivery during the fourth calendar quarter of 1951. A distributor shall convert all outstanding orders calling for delivery during the fourth calendar quarter of 1951 to authorized controlled material orders bearing the allotment symbol X-6 prior to October 15, 1951, and shall reduce or cancel all such outstanding orders which call for delivery of a quantity of material in excess of the quantity permitted by this paragraph. For the purposes of this paragraph all copper wire mill products received by a distributor after September 30, 1951, and shipped prior to October 15, 1951, shall be deemed to have been received pursuant to an order bearing the allotment symbol X-6.

(b) Commencing November 1, 1951, any distributor who, during the preceding month has delivered copper wire mill products from his inventory to fill authorized controlled material orders placed with him, may place an order or orders with a copper wire mill or another distributor for a quantity of copper wire mill products equal to 100 percent of such deliveries (measured in pounds of copper content), to which orders the allotment symbol X-6 may be applied. All orders placed pursuant to this paragraph shall call for delivery after December 30, 1951.

(c) A distributor may not place duplicate orders bearing the symbol X-6 in anticipation of cancelling one upon delivery of the other.

SEC. 5. *Limitations on acceptance of X-6 orders by copper wire mills or distributors.* (a) A copper wire mill or another distributor need not accept an X-6 order from any distributor if such distributor was not a purchaser of copper wire mill products from such copper wire mill or other distributor during the base period.

(b) A copper wire mill or another distributor need not accept an X-6 order from a distributor for any item of copper wire mill products which such distributor did not purchase from the copper wire mill or other distributor during the base period, or for a quantity of any item in excess of its average monthly shipments of such item to such distributor during the base period.

(c) Any distributor who is unable to place an order bearing the allotment symbol X-6 due to the limitations of this section should apply to the National Production Authority, Washington 25, D. C., Ref.: M-86, specifying the copper wire mills that refused to accept the order. The National Production Authority will assist him in locating sources of supply.

SEC. 6. *Limitations on acceptance of orders by distributors.* (a) A distributor may not accept an order for immediate shipment from his stock for any copper wire mill products in excess of his inventory of such products (including such products in transit to the distributor) on the date of the receipt of such order.

(b) A distributor need not accept and fill orders for copper wire mill products from any one person for more than 500 pounds of copper content of any item, except in sizes 4/0 and larger. Items for sizes 4/0 and larger need not be accepted and filled in excess of standard mill single reel lengths. For the purposes of quantity limitations of this section, a distributor may regard separate orders placed for delivery in the same month for the same item by any person as one order.

(c) A distributor may accept an order for copper wire mill products for direct shipment from the copper wire mill to the customer but only to the extent that such order is acceptable to the copper wire mill in acordance with CMP Regulations Nos. 1 and 3 and NPA Order M-11, and only if the material is not in his inventory in sufficient quantity to fill the order at the time of acceptance. Such a transaction shall not be considered a sale or delivery by the distributor for the purposes of this order.

SEC. 7. *Inventory limitations.* No distributor may accept delivery of copper wire mill products from copper wire mills or other distributors if his inventory is, or by such receipt would become, in excess of his average monthly inventory during the base period (excluding therefrom the months during which he was not engaged in a business of distributing copper wire mill products) or in excess of a practicable minimum working inventory as defined in NPA Reg. 1, whichever is less. Where a distributor maintains stocks of copper wire mill products at more than one location, this section shall be applicable to each such location even though such distributor has elected to operate as one person under the provisions of section 9 of this order.

SEC. 8. *Certification.* Any order for copper wire mill products, placed by a distributor with a copper wire mill or another distributor and bearing the allotment symbol X–6 pursuant to this order, shall contain a certification in substantially the following form: "Certified under CMP Regulation No. 1 and NPA Order M–86." This certification shall be signed manually or as provided in NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an authorized controlled material order under the provisions of this order to obtain the material covered by the delivery order.

SEC. 9. *Inventories at separate locations.* Any distributor maintaining stocks of copper wire mill products at more than one location may consider all such stocks as one and may operate as a single distributor for the purpose of this order, or he may regard each such location as a separate distributor, but he may not change from one method of operation to the other without written approval of the National Production Authority.

SEC. 10. *Applicability of other regulations and orders.* Nothing in this order shall be construed to relieve any person from the obligations of complying with such limitations as may be contained in any other applicable regulation or order of NPA, or of any order of any other competent authority. Particularly the provisions of Schedules III and IV of CMP Regulation No. 1 with regard to lead times and minimum mill quantities and the provisions of CMP Regulation No. 4 continue to apply.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by such persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as shall be required, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–86.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on October 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51–12177; Filed, Oct. 5, 1951; 12:28 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 53]

UNITED STATES STANDARDS FOR CERTAIN PORK CARCASSES AND CERTAIN SWINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Department of Agriculture is considering the issuance of a document containing official United States standards for grades of barrow and gilt carcasses and official United States standards for grades of slaughter barrows and gilts under sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624), and the item for marketing services found in the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong.). The document would appear in 7 CFR, Part 53, as follows:

PORK CARCASSES

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53.141 Pork carcass classes.
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53.150 Bases for swine standards.
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PORK CARCASSES

§ 53.140 *Bases for pork carcass standards.* The standards for pork carcasses developed by the United States Department of Agriculture, provide for segregation according to (a) class, as determined by the apparent sex condition of the animal at the time of slaughter, and (b) grade, which reflects quality of pork and the relative proportion of lean cuts to fat cuts in the carcass.

§ 53.141 *Pork carcass classes.* The five classes of pork carcasses, comparable to the same five classes of slaughter hogs, are barrow, gilt, sow, stag, and boar carcasses.

§ 53.142 *Application of standards for grades of barrow and gilt carcasses.* (a) Differences in barrow and gilt carcasses due to sex condition are minor, and the grade standards are equally applicable for grading both classes.

(b) Barrow and gilt carcasses are graded primarily on the basis of (1) differences in yields of lean cuts and of fat cuts, and (2) differences in quality of cuts. These factors vary rather uniformly and consistently from one grade to another. The Choice grade includes carcasses which are firm and have indications of adequate marbling, or fat interspersed within the lean, to produce the acceptable palatability of Choice grade pork. Quality of the trimmed lean cuts is similar in all Choice grade carcasses, but divisions of the grade reflect the decreased ratio of lean cuts to fat cuts in carcasses with increased degrees

of finish in excess of the minimum required for the Choice grade. Medium grade carcasses are underfinished and produce Medium grade pork, in which the lean and fat are slightly soft and the lean has little or no marbling. The Cull grade includes those carcasses which are decidedly underfinished, resulting in typical Cull grade pork with soft, watery lean and no visible marbling. Only carcasses with firmness appropriate to the degree of finish are included under the standards described in this part. However, carcasses which are typically soft or oily as a result of feeds producing soft or oily fat may be graded in accordance with these standards provided they are specially identified as soft or oily along with the grade.

(c) Measurements of average back fat thickness in relation to carcass weight or length are closely related to yield of cuts and the quality of the cuts. The following table of measurements provides an objective guide in determining the barrow and gilt carcass grades.

WEIGHT AND MEASUREMENT GUIDES TO GRADES FOR BARROW AND GILT CARCASSES

[Average back fat thickness (inches) [1]]

Carcass weight or carcass length [2]	Grade				
	Choice No. 3	Choice No. 2	Choice No. 1	Medium	Cull
Under 120 pounds or under 27 inches	2.0 or more	1.7 to 2.0	1.4 to 1.7	1.0 to 1.4	Less than 1.0.
120 to 164 pounds or 27 to 29.9 inches	2.1 or more	1.8 to 2.1	1.5 to 1.8	1.1 to 1.5	Less than 1.1.
165 to 209 pounds or 30 to 32.9 inches	2.2 or more	1.9 to 2.2	1.6 to 1.9	1.2 to 1.6	Less than 1.2.
210 or more pounds or 33 or more inches	2.3 or more	2.0 to 2.3	1.7 to 2.0	1.3 to 1.7	Less than 1.3.

[1] Average of measurements made opposite the first and last ribs and last lumbar vertebra.

[2] Either carcass weight or length may be used with back fat thickness as a reliable guide to grade. The table shows the normal length range for given weights. In extreme cases where the use of length with back fat thickness indicates a different grade than by using weight, final grade is determined subjectively as provided in par. (d) of this section. Carcass weight is based on a chilled, packer style carcass. Carcass length is measured from the forward point of the aitch bone to the forward edge of the first rib.

(d) The standards for grades of barrow and gilt carcasses include carcass measurements and descriptions of the characteristics of carcasses which indicate the lean and fat yields and imply the quality of meat typical of the minimum degree of finish of each grade. Visual estimates of fat thickness normally alleviate the necessity for measuring carcasses. In addition to the measurement guides to grade differences, the standards also provide the basis for consideration of other characteristics. While carcass measurements furnish a reliable general guide to pork quality, for borderline carcasses between Choice and Medium and between Medium and Cull grades, the final grade of the carcass may vary from that indicated by carcass measurements because of other visual evidences of quality. Similarly, within the Choice grade, the determination of the division of the grade, i. e., Choice No. 1, Choice No. 2, or Choice No. 3, may include, in addition to consideration of carcass measurements, a consideration of such characteristics as length in relation to weight, conformation of hams, loins, bellies, and shoulders, and uniformity of width, depth, and fat covering. However, application of these additional factors is limited to borderline carcasses, and in no case may the final grade division be more than one-half of the width of a grade division different than that indicated by carcass measurements. The standards describe carcasses typical of each grade or major grade division, and no attempt is made to describe the nearly limitless number of combinations of characteristics that may qualify a carcass for a particular grade or division thereof.

§ 53.143 *Specifications for official United States standards for grades of barrow and gilt carcasses*—(a) *Choice grade*—(1) *Choice No. 1.* Carcasses in this grade division have near the minimum degree of finish required for the production of Choice grade cuts. Meatiness based on yield of lean cuts in relation to carcass weight is slightly high; yield of fat cuts is correspondingly low. The ratio of total lean and fat to bone is slightly high. Carcasses possessing the minimum finish for the Choice No. 1 tend to be moderately wide and long in relation to weight. The back and loins are moderately full and thick with a uniformly full, well-rounded appearance. Hams are usually moderately thick, plump, and smooth, and are slightly full in the lower part toward the hocks. Bellies are moderately long, smooth, slightly thick, and moderately uniform in thickness; the belly pocket is slightly thick. Shoulders are full-fleshed but usually blend smoothly into the sides. The carcass is moderately well-balanced and smooth. There are moderate quantity of interior fats in the region of the pelvis, a slightly thin but fairly extensive layer of fat lining the inside surface of the ribs, and moderate feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality.

Carcasses with other characteristics typical of the thinner one-half of Choice No. 1, but with the firmness, belly thickness, and quantity and distribution of interior fats typical of that in the Medium grade shall be graded Medium.

(2) *Choice No. 2.* Carcasses in this grade division have a higher degree of finish than the minimum required for the production of Choice grade cuts. Meatiness based on yield of lean cuts in relation to carcass weight is slightly low; yield of fat cuts is correspondingly high. The ratio of total lean and fat to bone is moderately high. Carcasses with the minimum finish for the Choice No. 2 tend to be wide and slightly short in relation to weight. The back and loins are full and thick and appear fuller near the edges than at the center. Hams are usually thick, plump, and smooth, and are moderately full in the lower part toward the hocks. Bellies are thick, smooth, slightly short, and rather uniform in thickness; the belly pocket is moderately thick. Shoulders are moderately thick and full but blend smoothly into the sides. The carcass is well-balanced and smooth with uniform development of the various parts. There are slightly large quantities of interior fats in the region of the pelvis, a slightly thick and moderately extensive layer of fat lining the inside surface of the ribs, and slightly abundant feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality.

(3) *Choice No. 3.* Carcasses in this grade division have a decidedly higher degree of finish than the minimum required for the production of Choice grade cuts. Meatiness based on yield of lean cuts in relation to carcass weight is low; yield of fat cuts is correspondingly high. The ratio of total lean and fat to bone is high. Carcasses with the minimum finish for the Choice No. 3 tend to be very wide and short in relation to weight. The back and loins are very full and thick and appear especially full near the edges. Hams are usually thick, very plump, and smooth, and are full in the lower part toward the hocks. Bellies are very thick, smooth, short, and uniform in thickness; the belly pocket is thick. Shoulders are thickly-fleshed but blend smoothly into the sides. The carcass is well-balanced and smooth with uniform development of the various parts. There are large quantities of interior fats in the region of the pelvis, a moderately thick and nearly complete layer of fat lining the inside surface of the ribs, and moderately abundant feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality.

(b) *Medium grade.* Carcasses in this grade have a slightly lower degree of finish than the minimum required for the production of Choice grade cuts. Yield of lean cuts in relation to carcass weight is moderately high; yield of fat cuts is correspondingly low. The ratio of total lean and fat to bone is slightly low. Carcasses with the minimum finish required for the Medium grade tend to be narrow and long in relation to weight. The back and loins are slightly thin, deficient in fullness, and appear to slope away from the center toward the sides. Hams are usually slightly thin, lacking in plumpness, and taper slightly toward the hocks. Bellies are long, slightly thin and wrinkled, and moderately uneven in thickness; the belly pocket is slightly thin. Shoulders are slightly thin and flat, but often show prominence at the junction with the sides. The carcass tends to be uneven and rough with slightly irregular development of the various parts. There are slightly small quantities of interior fats in the region of the pelvis, a scanty and incomplete layer of fat lining the inside surface of the ribs, and only a small quantity of feathering. Both exterior and interior fats are moderately soft, white to creamy white, and of slightly low quality. The flesh is moderately soft and has little evidence of marbling. Carcasses with other characteristics typical of the fatter one-half of the Medium grade but with the firmness, belly thickness, and quantity

and distribution of interior fats comparable to that of the Choice No. 1 shall be graded Choice No. 1. Carcasses with other characteristics typical of the thinner one-half of the Medium grade shall be graded Cull when quality indications are comparable to those of the Cull grade.

(c) *Cull grade.* Carcasses in this grade have a considerably lower degree of finish than the minimum required for the production of Choice grade cuts, and most cuts are suitable only for processing. Yield of lean cuts in relation to carcass weight is high; yield of fat cuts is correspondingly low. The ratio of total lean and fat to bone is low. Carcasses with typical Cull grade finish are narrow and long in relation to weight. The back and loins are thin and decidedly lacking in fullness with a definite slope away from the center toward the sides. Hams are thin, flat, and wrinkled, and show a definite taper toward the hocks. Bellies are very long, thin and wrinkled, and very uneven in thickness; the belly pocket is very thin. Shoulders are thin and flat but prominent at the junction with the sides. The carcass is uneven and rough with irregular development of the various parts. There are small quantities of interior fats in the region of the pelvis and little or no fat in the area of the inside surface of the ribs. Both exterior and interior fats are soft, creamy white to white, and of very low quality. The flesh is soft and watery and has no evidence of marbling. Carcasses with other characteristics typical of nearly maximum degree of finish for the Cull grade, but with the firmness, belly thickness, and quantity and distribution of interior fats comparable to that of the Medium grade shall be graded Medium.

SWINE

§ 53.150 *Bases for swine standards.* The market standards for swine developed by the United States Department of Agriculture provide for segregation according to (a) intended use, as slaughter or feeder and stocker animals, (b) class, as determined by sex condition, and (c) grade, or degree of excellence and suitability for a particular purpose.

§ 53.151 *Slaughter swine classes. There* are five classes of slaughter swine—barrows, gilts, sows, stags, and boars—defined as follows:

(a) *Barrow.* A barrow is a male swine castrated when young and before development of the secondary physical characteristics of a boar.

(b) *Gilt.* A gilt is a female swine that has not produced young and has not reached an evident stage of pregnancy.

(c) *Sow.* A sow is a female swine that shows evidence of having reproduced or has reached an evident stage of pregnancy.

(d) *Stag.* A stag is a male swine castrated after development or beginning of development of the secondary physical characteristics of a boar.

(e) *Boar.* A boar is an uncastrated male swine.

§ 53.152 *Application of standards for grades of slaughter barrows and gilts.* (a) In the barrow and gilt classes, sex condition has exerted little effect on secondary physical characteristics, and barrows and gilts are treated as a single class in marketing and for standardization purposes. Therefore, the grade standards in § 53.153 are equally applicable to both slaughter barrows and gilts.

(b) The standards are based on the standards for grades of barrow and gilt carcasses. The two major factors forming the basis for the grades are (1) differences in yield of lean cuts and of fat cuts, and (2) differences in quality of cuts. There are rather consistent variations in these characteristics from one grade of barrows and gilts to another. The grade standards identify the hogs which produce pork of each of the three grades—Choice, Medium, and Cull. Choice grade barrows and gilts have at least the minimum finish required to produce Choice grade pork cuts in which the lean is firm and has sufficient marbling, or fat interspersed within the lean, to result in the tenderness, juiciness, and flavor associated with acceptable palatability. Hogs of Choice grade produce comparable quality lean cuts, but may differ widely in the degree of fatness. Hence, this grade is further divided into three segments—No. 1, No. 2, and No. 3—to reflect the decreased yields of lean cuts and increased yields of fat cuts as finish exceeds the minimum required for the Choice grade. Medium grade barrows and gilts are slightly to moderately underfinished and have higher ratios of lean to fat than Choice grade hogs, but they produce Medium grade pork cuts in which the lean is slightly soft and has little or no marbling. Cull grade hogs are decidedly underfinished resulting in higher lean to fat ratios than in any other grade, but they produce Cull grade pork cuts which are soft and watery and have no visible marbling in the lean.

(c) Application of the standards requires an accurate appraisal of the live animal characteristics which indicate the grade. The standards describe the characteristics of typical animals having the minimum degree of finish for each grade. No attempt is made to describe the numerous combinations of characteristics that may indicate the qualifications for a specific grade, and making appropriate compensations for varying combinations requires the use of sound judgment.

(d) The general limits of grades for barrows and gilts are determined by degree of finish, but other factors are considered in certain cases to accomplish further refinement of the grades. Animals at the borderlines between the divisions of the Choice grade with respect to degree of finish are graded by consideration of length in relation to weight and other body proportions, conformation of hams, loins, bellies, and shoulders, and uniformity of width, depth, and fat covering of the animal. The application of these compensating factors is limited primarily to borderline cases within the Choice grade, and the final grade division of an animal is in no case more than one-half the width of a grade division different than that indicated by apparent degree of finish.

§ 53.153 *Specifications for official United States standards for grades of slaughter barrows and gilts*—(a) *Choice grade*—(1) *Choice No. 1.* Slaughter barrows and gilts of this division of Choice grade have an intermediate degree of finish as indicated by body proportions and other evidences of fatness. Hogs of the minimum finish for Choice No. 1 tend to be moderately wide over the top, and width of body over the top appears nearly equal to that at the underline. The back, from side to side, is moderately full and thick and usually appears well-rounded and blends smoothly into the sides. Width through the hams is usually nearly equal to that through the shoulders. The sides appear moderately long and thick and are usually smooth; the flanks are slightly thick and full. Depth at the rear flank may be slightly less than depth at the fore flank. Hams tend to be moderately thick and full with a slightly thick covering of fat. Jowls are usually trim but moderately full and thick. Barrows and gilts in this grade division produce Choice No. 1 carcasses.

(2) *Choice No. 2.* Slaughter barrows and gilts of this grade division have a high degree of finish as indicated by body proportions and other evidences of fatness. Hogs of the minimum finish for Choice No. 2 tend to be wide over the top, and width of body appears slightly greater over the top than at the underline. The back, from side to side, is full and thick and often appears slightly flat with a noticeable break into the sides. Width may be slightly greater through the shoulders than through the hams. The sides appear slightly short, thick, and smooth; the flanks are moderately thick and full. Depth at the rear flank is nearly equal to that at the fore flank. Hams tend to be thick and full with a moderately thick covering of fat, especially over the lower part. Jowls are usually full and thick, and the neck appears short. Barrows and gilts in this grade division produce Choice No. 2 carcasses.

(3) *Choice No. 3.* Slaughter barrows and gilts of this grade division have a very high degree of finish as indicated by body proportions and other evidences of fatness. Hogs possessing the minimum finish for Choice No. 3 tend to be very wide over the top, and width of body appears somewhat greater over the top than at the underline. The back, from side to side, is very full and thick and often appears nearly flat with a pronounced break into the sides. Width may be greater through the shoulders than through the hams. The sides appear short, thick, and smooth; the flanks are thick and full. Depth at the rear flank is equal to depth at the fore flank. Hams tend to be very thick and full with a thick covering of fat, especially over the lower part. Jowls are very thick and full, and the neck appears very short. Barrows and gilts in this grade division produce Choice No. 3 carcasses.

(b) *Medium grade.* Slaughter barrows and gilts of this grade have a slightly low degree of finish as indicated by body proportions and other evidences of fatness. Hogs possessing the minimum finish for the grade tend to be narrow over the top, and width over the top appears slightly less than that at the underline. The back, from side to side,

is slightly thin and appears peaked at the center, especially at and immediately behind the shoulders, with a distinct slope toward the sides. Hips may appear slightly prominent. Width may be slightly less through the shoulders than through the hams. The sides appear long and slightly thin and wrinkled, with thin flanks. Depth at the rear flank is less than that at the fore flank. Hams tend to be thin and flat with a slight taper toward the shanks. Jowls are usually slightly thin and flat, and the neck appears rather long. Barrows and gilts in this grade produce Medium grade carcasses.

(c) *Cull grade.* Slaughter barrows and gilts of this grade are decidedly lacking in finish. Hogs with the fleshing typical of the grade are narrow over the top, and width of body appears somewhat less over the top than at the underline. The back, from side to side, is thin, lacks fullness, and appears peaked at the center with a decided slope toward the sides. Hips are prominent. Width may be somewhat less through the shoulders than through the hams. The sides appear very long, thin, and wrinkled, and the flanks are very thin. Depth at the rear flank is considerably less than depth at the fore flank. Hams are very thin and flat with a decided taper toward the shanks. Jowls are usually very thin and flat, and the neck appears very long. Barrows and gilts in this grade produce Cull grade carcasses.

Present Subpart B and C in Part 53, Title 7, Code of Federal Regulations, would be consolidated into one subpart designated as "Subpart B—Standards."

Any interested person who wishes to submit written data, views, or arguments concerning the proposed standards may do so by filing them with the Director of the Livestock Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., within 180 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of October 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-12079; Filed, Oct. 5, 1951; 8:47 a. m.]

[Docket No. AO 230]

[7 CFR Part 937]

HANDLING OF MILK IN THE WESTERN MICHIGAN MARKETING AREA

FINDINGS AND DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Coopersville, Michigan, December 4–6, 1950, and at Grand Rapids, Michigan, December 7–12, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 7886), upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Western Michigan marketing area. The recommended decision of the Acting Assistant Administrator, Production and Marketing Administration, issued on July 2, 1951, and the decision of the Secretary of Agriculture issued on August 29, 1951, setting forth a proposed marketing agreement and a proposed order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the FEDERAL REGISTER on July 6, 1951 (16 F. R. 6573), and September 1, 1951 (16 F. R. 8896), respectively. Annexed to and made a part of the decision of the Secretary of Agriculture issued August 29, 1951 (16 F. R. 8896), was an order directing that a referendum be conducted among producers to determine whether the requisite percentage of such producers favor the issuance of the proposed order.

It is hereby found and determined on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order that issuance of the proposed order regulating the handling of milk in the Western Michigan marketing area is not favored by the requisite percentage voting in the aforesaid referendum.

It is hereby further determined that the proposed order set forth in the Secretary's decision of August 29, 1951 (16 F. R. 8896) will not be issued or made effective because of the failure of producers to approve or favor by the requisite percentage of producers voting in the referendum conducted among such producers.

Done at Washington, D. C., this 2d day of October 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-12077; Filed, Oct. 5, 1951; 8:47 a. m.]

[7 CFR Part 944, 970]

[Docket Nos. AO-105-A8, AO-174-A5]

HANDLING OF MILK IN THE QUAD CITIES AND CLINTON, IOWA, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Rock Island, Illinois, on May 21–24, 1951, pursuant to notice thereof which was issued on May 2, 1951 (16 F. R. 4140), upon a proposed marketing agreement and a proposed order amending the orders, as amended, regulating the handling of milk in the Quad Cities and Clinton, Iowa, marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 16, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on August 23, 1951 (16 F. R. 8472).

Exceptions to the recommended decision were filed on behalf of the three producer cooperative associations supplying milk to the market, and on behalf of one of the handlers subject to the regulation. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided herein are at variance with the exceptions, such exceptions are overruled.

Insofar as the exceptions constitute a request for a reopening of the hearing to receive additional evidence on certain issues, they should be denied. The urgency of certain of the amendments, particularly the increases in class prices to producers, is such that it would be extremely unwise to delay the effective date of the amendment while the hearing was reopened to receive additional evidence on the need for location differentials. Moreover, conditions in the market may change to the extent that the need for a location differential is not as acute as the exceptant seems to feel it is at the present time.

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (16 F. R. 8472; F. R. Doc. 51-10055) are hereby adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following amendments:

1. In the fourth paragraph of column 2, 16 F. R. 8474 delete the words "1.40 percent" and "1.25 percent" and substitute therefor the words "140 percent" and "125 percent".

2. Delete conclusion 8 in column 1, 16 F. R. 8475 and substitute therefor the following:

8. All three producer cooperative associations excepted to the recommendation of the Assistant Administrator that the producer butterfat differential should be equal to the simple average of the butterfat differentials to handlers. Each of the associations contends that the butterfat differential should reflect the actual value of the butterfat in milk according to its use by the handlers, just as the uniform price reflects the weighted average value of the whole milk according to its use by the handlers. In most periods the butterfat differential recommended by the associations would be somewhat higher than that recommended by the Assistant Administrator. The level of the producer butterfat differential does not affect handlers' costs for milk, however, since it is merely a means of prorating among producers the total amount paid by handlers for milk. After a further appraisal of the record evidence on

this issue, it has been concluded that the producer butterfat differential should be equal to the weighted average value of the butterfat according to its actual classification.

Determination of representative period. The month of July 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Quad Cities marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Quad Cities Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Quad Cities Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 2d day of October 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] *as Amended, Regulating the Handling of Milk in the Quad Cities Marketing Area*

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

§ 944.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this subpart.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Quad Cities marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products delivered by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(5) It is hereby found that the expenses of the market administrator for the maintenance and functioning of such agency will require the payment monthly by each handler, as his pro rata share of such expenses, three cents per hundredweight, or such amount not exceeding three cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during the month from producers (including such handler's own production) and with respect to other source milk received by him during such month which is classified as Class I.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Quad Cities marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 944.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 944.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 944.3 *Quad Cities marketing area.* "Quad Cities marketing area" hereinafter called the "marketing area" means the territory lying within the corporate limits of the City of Clinton, Iowa, and that part of Camanche township, including the City of Camanche, lying east of sections 2, 11, 14, 23, 26, and 35, all in Clinton County, Iowa; the territory lying within the corporate limits of the Cities of Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline and Silvis, Illinois; together with the territory lying within the following townships: Davenport, Rockingham and Pleasant Valley in Scott County, Iowa; and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois.

§ 944.4 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 944.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 944.6 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 944.7 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines: (a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) has full authority in the sale of milk of its members; and (c) is engaged in making collective sales of or marketing milk or its products for its members.

§ 944.8 *Producer.* "Producer" means any person who, in conformity with the Grade A quality requirements of the milk ordinance of any of the several municipalities in the marketing area or the Grade A Milk and Grade A Milk Products Law of the State of Illinois produces milk which (a) is received at a pool plant or (b) which is caused by a cooperative association to be diverted from a pool plant to a nonpool plant. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 944.56.

§ 944.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant, (b) a cooperative association which in a handler pursuant to paragraph (a) of this section with respect to the milk of any producer which it causes to be delivered to the pool plant of another handler, and (c) any cooperative association with respect to the milk of any producer which it causes to be diverted from a pool plant to a nonpool plant.

§ 944.10 *Pool plant.* "Pool plant" means (a) a plant from which Class I milk is disposed of as Grade A milk on wholesale or retail routes (including plant stores) within the marketing area, (b) a plant owned and operated by a cooperative association which is located within the marketing area, or (c) a plant which is under regular inspection by one or more of the health authorities of the several municipalities in the marketing area and which is approved for the receiving of Grade A milk and from which Grade A milk is regularly disposed of to plants described in paragraph (a) of this section for Class I use.

§ 944.11 *Producer - handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided,* That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 944.12 *Producer milk.* "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

§ 944.13 *Emergency milk.* "Emergency milk" means milk which is received by a handler under the conditions and subject to the limitations prescribed in § 944.57.

§ 944.14 *Other source milk.* "Other source milk" means all skim milk and butterfat except that contained in producer milk and in emergency milk.

MARKET ADMINISTRATOR

§ 944.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 944.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 944.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date upon which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 944.75 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 944.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Publicly announce unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the date upon which he is required to perform such acts has not made (1) reports pursuant to § 944.30, or (2) payments pursuant to §§ 944.65 to 944.70;

(h) On or before the 10th day after the end of each delivery period, report to each cooperative association which is a handler pursuant to § 944.9 (b) the amount and classification of milk caused to be delivered by such cooperative association to any handler, if such amount or classification reported by the handler differs from that reported by the cooperative association;

(i) Audit each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day of each delivery period (i) the minimum price for Class I milk computed pursuant to § 944.50 (a) and the butterfat differential computed pursuant to § 944.51 (a), both for the current delivery period, and (ii) the minimum prices computed pursuant to § 944.50 (b) and (c) and the butterfat differentials computed pursuant to § 944.51 (b) and (c) for the previous delivery period; and

(2) On or before the 10th day of each delivery period the uniform price computed pursuant to § 944.61 and the butterfat differential computed pursuant to § 944.66, both for the previous delivery period; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 944.30 *Delivery period reports of receipts and utilization.* On or before

the 7th day of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on the forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in (or used in the production of) all receipts within the preceding delivery period of (1) producer milk, (2) skim milk and butterfat in any form from other handlers, (3) emergency milk, and (4) other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler) and the sources thereof;

(b) The utilization of all receipts required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 944.31 *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 944.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging;

(b) The weights and tests for butterfat and for other content of all skim milk, milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all skim milk, milk, cream, and milk products on hand at the beginning and end of each delivery period.

§ 944.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period the market administrator notifies the handler in writing that the retention of such records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 944.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received during the delivery period by a handler from producers or other handlers or as emergency milk or as other source milk shall be classified by the market administrator pursuant to §§ 944.41 to 944.47.

§ 944.41 *Classes of utilization.* Subject to the conditions set forth in §§ 944.43 and 944.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, or any mixture (except mixes for ice cream and frozen desserts) of cream and milk or skim milk containing more than 6 percent of butterfat, (2) used in the production of concentrated milk, not sterilized, for fluid consumption, and (3) not specifically accounted for under paragraphs (b) and (c) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce evaporated milk, condensed milk, ice cream, mixes for ice cream and frozen desserts, yoghurt, aerated products such as Super-Wip, Instant-Whip and similar products, cottage cheese or any other milk product not specified in paragraphs (a) and (c) of this section, and (2) disposed of to wholesale bakeries, candy manufacturers or soup companies.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce butter, American-type Cheddar Cheese, animal feed, casein and nonfat dried milk solids; (2) in shrinkage up to 2 percent of receipts from producers and cooperative associations and of emergency milk; and (3) in shrinkage of other source milk.

§ 944.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler.

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in (1) producer milk and emergency milk, and (2) other source milk.

§ 944.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat received by a handler shall be Class I milk, unless the handler who first receives such skim milk or butterfat can prove to the market administrator that it should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 944.44 *Transfers.* Skim milk or butterfat disposed of by a handler, either by transfer or diversion shall, except as provided in § 944.45, be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided,* That if either or both handlers have received other source milk such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonhandler's plant unless (1) the handler claims other utilization on the basis of utilization mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 7th day after the end of the delivery period within which such transfer or diversion occurred, (2) such nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant, which are made available if requested by the market administrator for the purpose of verification, and (3) such nonhandler's plant had actually used not less than the equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That if verification of such nonhandler's records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher price classification in which such nonhandler had utilization.

§ 944.45 *Receipts from a cooperative association.* Skim milk and butterfat caused to be delivered from a producer to any other handler by a cooperative association which is a handler pursuant to § 944.9 (b) shall be ratably apportioned over the receiving handler's total utilization of milk remaining after the subtraction of other source milk, receipts from other handlers which are not cooperative associations, and emergency milk.

§ 944.46 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 944.47 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 944.46, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of

skim milk determined pursuant to § 944.41 (c) (2);

(2) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest-priced class in which the handler has use, the pounds of skim milk contained in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 944.44 (a);

(4) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in emergency milk;

(6) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk received from a cooperative association which is a handler pursuant to § 944.9 (b); and

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest-priced class in which the handler has use. Any amount so subtracted shall be called "overrun."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 944.50 *Class prices.* Subject to the provisions of §§ 944.51 and 944.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The price for Class II milk for the preceding delivery period plus $0.75 during May and June; plus $1.15 during the months of July through November, inclusive, and plus $0.95 during the remaining months of each year: *Provided,* That in no month shall the Class I price be less than the 70 mile zone price established per hundredweight of Class I milk under Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area plus 20 cents.

(b) *Class II milk.* The higher of the prices resulting from the computations made pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period from the 16th day of the preceding delivery period to the 15th day of the current delivery period at each of the manufacturing plants or places listed below for which prices are reported to the market administrator or to the Department:

Present Operator of Plant and Location

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
United Milk Products Co., Argo Fay, Ill.

(2) The price resulting from the following computation:

(i) Multiply by 6 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period;

(ii) Add an amount equal to 2.4 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of the cheese known as "Twins" at Chicago as reported by the Department during the delivery period;

(iii) Divide the resulting sum by 7;

(iv) Add 30 percent thereof; and

(v) Multiply the resulting sum by 3.5.

(c) *Class III milk.* The higher of the prices resulting from the following computations by the market administrator:

(1) Multiply by 2.4 the simple average as published by the Department of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, during the delivery period and multiply such result by 3.5;

(2) From the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, deduct 6 cents, multiply the resulting sum by 1.2, and multiply that result by 3.5; and add the result of the following: From the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, for human consumption, f. o. b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, deduct 6½ cents, multiply the result by 8.2 and multiply that result by 0.965: *Provided,* That, if such f. o. b. manufacturing plant prices for nonfat dry milk solids are not reported, there shall be used for the purpose of such computation the average of carlot prices for nonfat dry milk solids for human consumption, both spray and roller process, delivered at Chicago as reported by the Department during the delivery period; and in the latter event 8½ cents shall be used in lieu of the 6½ cent deduction in arriving at the computation.

§ 944.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 944.47 is more or less than 3.5 percent, there shall be added to the respective class price computed pursuant to § 944.50 for each one-tenth of 1 percent that the average butterfat content is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

(a) *Class I milk.* Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period preceding that in which the milk was received by 1.40 and divide the resulting amount by 10.

(b) *Class II milk.* Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period in which the milk was received by 1.20 and divide the resulting amount by 10.

(c) *Class III milk.* From the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period in which the milk was received, subtract 6 cents, multiply the result by 1.20 and divide the result by 10.

§ 944.52 *Emergency price provisions.* (a) Whenever the provisions hereof require the market administrator to use a specific price or prices for any milk product for the purpose of determining class prices or for any other purpose the market administrator shall add to the specified price the amount of any subsidy or other similar payments being made by any Federal agency in connection with the milk, or product, associated with the prices specified.

(b) If the specified price which the market administrator is required to use for the purpose of determining class prices or for any other purpose is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 944.55 *Producer-handler.* Sections 944.40 to 944.47, 944.50 to 944.52, 944.60 and 944.61, 944.65 to 944.70, and 944.76 shall not apply to a producer-handler.

§ 944.56 *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports in accordance with the provisions of § 944.32.

(b) If the price which such handler is required to pay under the other order to which he is subject for skim milk and butterfat which is classified as Class I milk under this subpart, is less than the price provided by this subpart, such handler, on or before the 13th day after

the end of the delivery period in which a bill is rendered, shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

§ 944.57 *Emergency milk.* In any delivery period in which the market administrator determines that the supply of skim milk or butterfat in producer milk available to any handler is insufficient for such handler's disposition of Class I milk, skim milk or butterfat, other than that in producer milk, which is received by such handler and which is permitted by the health authorities of any of the municipalities in the marketing area to be disposed of as Grade A milk shall be considered emergency milk up to an amount equal to the difference between the receipts of skim milk or butterfat in producer milk by such handler and 108 percent of his total disposition of skim milk or butterfat in Class I milk.

DETERMINATION OF UNIFORM PRICE

§ 944.60 *Computation of the value of milk received from producers.* The value of the milk received from producers during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class prices and adding together the resulting amounts: *Provided,* That, if the handler had overrun of either skim milk or butterfat there shall be added to the above value an amount computed by multiplying the pounds of overrun by the applicable class prices.

§ 944.61 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 944.60 for all handlers who made the reports prescribed by § 944.30 and who made the payments pursuant to §§ 944.65 to 944.68 for the preceding delivery period.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of contingent obligation to handlers pursuant to §§ 944.69 and 944.70;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 944.66, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount per hundredweight computed pursuant to paragraph (d) of this section. The resulting figure shall be known as the uniform price for milk received from producers.

PAYMENT FOR MILK

§ 944.65 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraphs (b) and (c) of this section, at not less than the uniform price computed in accordance with § 944.61, subject to the butterfat differential computed pursuant to § 944.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association which is not a handler pursuant to § 944.9 (b), for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and wishes to exercise such authority, an amount equal to the sum of the individual payments otherwise payable to such producers.

(c) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association which is a handler pursuant to § 944.9 (b), for milk which was caused to be delivered to such handler by such cooperative association, at not less than the value of such milk computed by multiplying the pounds of such milk allocated to each class pursuant to § 944.47 by the applicable class prices provided in § 944.50.

§ 944.66 *Butterfat differential to producers.* In making payments pursuant to § 944.65 (a) there shall be added to or subtracted from the uniform price per hundredweight for each one-tenth of 1 percent that the average butterfat content of the milk received from each producer is above or below 3.5 percent an amount equal to the weighted average value of the butterfat allocated to each class pursuant to § 944.47 (b).

§ 944.67 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 944.56, 944.68, and 944.70, and out of which he shall make all payments to handlers pursuant to §§ 944.69 and 944.70.

§ 944.68 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the delivery period during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 944.60 is greater than the amount required to be paid producers by such handler pursuant to § 944.65.

§ 944.69 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of the delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the delivery period, as determined pursuant to § 944.60 is less than the amount required to be paid producers by such handler pursuant to § 944.65: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of § 944.65 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 944.70 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 944.71 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart, shall except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market

administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

OTHER PAYMENTS

§ 944.75 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period during which the milk was received, 3 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, with respect to all receipts within the delivery period from producers (including such handler's own production and receipts from cooperative associations) and with respect to emergency milk or other source milk which is classified as Class I milk: *Provided,* That a handler which is a cooperative association shall pay such pro rata share of expense on only that milk of producers received by such cooperative association or caused by such cooperative association to be delivered to a nonpool plant.

§ 944.76 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 944.65 shall make a deduction of 6 cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such cooperative association.

Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of the delivery period during which the milk was received. Such moneys shall be expended by the market administrator for verification of weights and tests of milk received from such producers and in providing market information to such producers.

(b) In the case of each producer who is a member of, or who has given written authorization for the rendering of marketing services and the taking of a deduction therefor to a cooperative association, which the Secretary has determined is performing the services described in paragraph (a) of this section, such handler, in lieu of the deduction specified under paragraph (a) of this section, shall deduct from the payments made pursuant to § 944.65 (a) the amount per hundredweight authorized by such producer and shall pay such deduction to the cooperative association entitled to receive it on or before the 15th day after the end of the delivery period during which such milk was received.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 944.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 944.81 *Suspension or termination.* The Secretary shall, whenever he finds this subpart, or any provision hereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 944.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations hereunder the final accrual or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 944.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 944.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 944.91 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstance, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 51-12076; Filed, Oct. 5, 1951; 8:46 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-1600]

MICHIGAN GAS STORAGE CO.

ORDER FIXING DATE OF HEARING

OCTOBER 2, 1951.

On January 30, 1951, Michigan Gas Storage Company (Applicant), a Michigan corporation with its principal place of business at Jackson, Michigan, filed an application, which was amended by further filings on February 21, 1951, and April 11, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in the application and the amendments thereto on file with the Commission and open to public inspection.

A temporary certificate for the construction and operation of certain of the proposed facilities was granted on May 22, 1951.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard

under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 17, 1951 (16 F. R. 1690).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 18, 1951, at 9:45 a. m., (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the rules of practice and procedure.

Date of issuance: October 3, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-12082; Filed, Oct. 5, 1951; 8:48 a. m.]

[Docket No. G-1793]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

OCTOBER 2, 1951.

Take notice that Pacific Gas and Electric Company (Applicant), a California corporation, with its principal office at 245 Market Street, San Francisco 6, California, filed on September 17, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the transportation of natural gas in interstate commerce through its existing transmission system in the State of California not heretofore authorized.

Applicant states that such transportation will not result in any change in its existing rates or services and no additional facilities will be constructed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of October 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-12083; Filed, Oct. 5, 1951; 8:48 a. m.]

[Docket No. G-1794]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

OCTOBER 2, 1951.

Take notice that Pacific Gas and Electric Company (Applicant), a California corporation, with its principal office at 245 Market Street, San Francisco 6, California, filed on September 17, 1951, an application pursuant to section 7 (f) for a determination of a service area within which Applicant may enlarge and extend its facilities for the purpose of supplying increased market demands in such service area without further authorization.

The service area applied for is designated on a map attached to the application, and includes generally the east central part of the State of California, extending from and within the County of Shasta on the north to and within the County of San Bernardino in the south.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of October 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-12084; Filed, Oct. 5, 1951; 8:48 a. m.]

[Project No. 2092]

PORTLAND GENERAL ELECTRIC CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

OCTOBER 2, 1951.

Public notice is hereby given that Portland General Electric Company of Portland, Oregon, has made application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for a period of 24 months for proposed water power Project No. 2092 (Round Butte project) to be located on the Deschutes, Metolius and Crooked Rivers in Jefferson County, Oregon. The proposed project would affect public lands, lands of the United States within the Deschutes National Forest, tribal and allotted lands within the Warm Springs Indian Reservation, and lands within the Central Oregon Land Utilization Project of the Soil Conservation Service. The proposed project would be located immediately upstream from the proposed Pelton project (No. 2030) and would consist of a dam on the Deschutes River providing a gross head of about 285 feet and creating a reservoir extending about 8½ miles up the Deschutes and Crooked Rivers and about 10 miles up the Metolius River; a powerhouse immediately downstream from the dam containing three hydro-electric units with total capacity of 310,000 horsepower (225,000 kilowatts); a transmission line; and appurtenant facilities.

A preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the Federal Power Act. Such a permit will not authorize construction of the proposed project.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting should be submitted on or before November 19, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-12085; Filed, Oct. 5, 1951; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3910]

TRANS-NATIONAL AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Trans-National Airlines, Inc. for an exemption pursuant to § 291.16 of the Board's Economic Regulations and section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that hearing in the above-entitled proceeding, now assigned for October 10, 1951, is postponed to await assignment of hearing in the proceeding entitled "In the matter of the investigation of air services by Large Irregular Carriers and Irregular Transport Carriers", Docket No. 5132, into which Docket No. 3910 has been consolidated.

Dated at Washington, D. C., October 2, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-12091; Filed, Oct. 5, 1951; 8:49 a. m.]

[Docket No. 4985]

"EL-AL" ISRAEL AIRLINES LIMITED

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of "El-Al" Israel Airlines Limited for amendment of its foreign air carrier permit pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that hearing in the above entitled proceeding, now assigned to be held on October 15, 1951, is postponed and will be held on October 17, 1951 at 10:00 a. m., e. s. t. in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredericks.

Dated at Washington, D. C., October 2, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-12090; Filed, Oct. 5, 1951; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26443]

HORSES, MULES, BURROS AND ASSES, BETWEEN PACIFIC COAST TERRITORY AND POINTS IN ROCKY MOUNTAIN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff ICC No. 1534.

Commodities involved: Horses, mules, burros and asses, valuable only for slaughter, carloads.

Between: Pacific coast territory, on the one hand, and points in Colorado and points in other states east of the Rocky Mountains, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, ICC No. 1534, supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-12080; Filed, Oct. 5, 1951; 8:47 a. m.]

[4th Sec. Application 26444]

PIG IRON FROM MINNEQUA, COLO., TO OHIO AND INDIANA

APPLICATION FOR RELIEF

OCTOBER 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff ICC No. A-3589.

Commodities involved: Pig iron, in carloads.

From: Minnequa, Colo.

To: Auburn, Terre Haute and Warsaw, Ind., Dayton and Toronto, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, ICC No. A-3589, supp. 126.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-12081; Filed, Oct. 5, 1951; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 62]

DESIGNATION OF MOTIONS COMMISSIONER FOR OCTOBER

In re Designation of Motions Commissioner for the month of October, 1951; Designation order 62.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of September, 1951;

It is ordered, Pursuant to section 0.111 of the Statement of Delegations of Authority, that George E. Sterling, Commissioner, is hereby designated as Motions Commissioner for the months of October, 1951.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-12087; Filed, Oct. 5, 1951; 8:49 a. m.]

[Docket No. 10052]

KTRB BROADCASTING CO., INC. (KTRB)

ORDER CONTINUING HEARING

In re application of KTRB Broadcasting Company, Inc. (KTRB), Modesto, California, for construction permit; Docket No. 10052, File No. BP-7947.

The Commission having under consideration a petition filed September 21, 1951, by KTRB Broadcasting Company, Inc. (KTRB), Modesto, California, requesting a 30 days continuance of the hearing presently scheduled for October 18, 1951, at Washington, D. C., in the proceeding upon the above-entitled application for construction permit; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 28th day of September 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, November 19, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-12088; Filed, Oct. 5, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

FRANK S. KELLY

ORDER REVOKING REGISTRATION AND NOT PERMITTING NOTICE OF WITHDRAWAL TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of October A. D. 1951.

In the matter of Frank S. Kelly, 120 South La Salle Street, Chicago, Illinois.

Proceedings having been instituted on May 3, 1951, to determine whether or not the registration of Frank S. Kelly as a broker and dealer should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934;

Registrant having filed a notice of withdrawal on April 11, 1951;

A hearing having been held after appropriate notice and the Commission having this day issued its Findings and Opinion; on the basis of said Findings and Opinion;

It is ordered, That the notice of withdrawal filed by Frank S. Kelly be and it hereby is not permitted to become effective; and

It is further ordered, That the registration of Frank S. Kelly as a broker and dealer be and it hereby is revoked.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-12065; Filed, Oct. 5, 1951; 8:45 a. m.]

[File No. 70-2673]

NORTHERN STATES POWER CO. ET AL.

ORDER AUTHORIZING PROPOSED RECAPITALIZATION OF SUBSIDIARIES AND ELIMINATION OF OPEN ACCOUNT INDEBTEDNESS OF HOLDING COMPANY TO SUBSIDIARIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1951.

In the matter of Northern States Power Company, Saint Anthony Falls Water Power Company, Minneapolis Mill Company; File No. 70-2673.

Northern States Power Company ("Northern States"), a registered hold-

ing company and a public utility company, and its wholly owned subsidiaries Saint Anthony Falls Water Power Company ("St. Anthony") and Minneapolis Mill Company ("Mill Company"), all Minnesota corporations, having filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9, 10, and 12 thereof and Rules U-23, U-24, U-42, U-45 and U-46 thereunder, with respect to the following transactions:

In order to remove deficits in the surplus accounts of St. Anthony and Mill Company which will result from eliminating excess of book cost of the properties of said companies over original cost, in order to provide St. Anthony with further capital required by it in connection with the removal of its lower dam and the reconstruction of the appurtenant power plant, and in order further to simplify and improve the capital structure and operations of the system, Northern States proposes to—

(a) Deliver and surrender or pay to St. Anthony:

(1) $2,001,000 principal amount of First Mortgage Bonds of St. Anthony, due November 1, 1948;

(2) $461,000 par value capital stock of St. Anthony;

(3) $95,000 (approximate) cash in part payment of the new plant; and

(b) Deliver and surrender to Mill Company:

(1) $500,000 principal amount of First Mortgage Bonds of Mill Company, due November 1, 1948;

(2) $260,000 par value capital stock of Mill Company.

St. Anthony proposes to—

(a) Convey and assign to Northern States its Lower Dam plant, including plant site, building and construction work in progress on the reconstruction and conversion of the plant to a new plant of 8000 kw rated capacity generating 60 cycle energy, the instrument of conveyance to include provisions giving Northern States the use of the Lower Dam upon Northern States assuming the maintenance and operating costs of said dam and the tax liability thereon during the period of use;

(b) Issue and deliver to Northern States a new note in the principal amount of $269,000, dated the day of issue, bearing interest at the rate of 4 percent per annum and payable on demand; and

(c) Cancel and extinguish the open account indebtedness of $1,215,056 due it from Northern States and the additional open account indebtedness arising from the sale of the new plant to Northern States.

Mill Company proposes to—

(a) Issue and deliver to Northern States a new note in the principal amount of $210,000, dated the day of issue, bearing interest at the rate of 4 percent per annum and payable on demand; and

(b) Pay $199,000 (approximate) cash to Northern States on account of bonds due and payable.

The securities and cash to be delivered by Northern States to St. Anthony will be accepted by St. Anthony as full payment for the property and note to be delivered by it to Northern States. The securities to be delivered by Northern States to Mill Company will be accepted by Mill Company as full payment for the note to be delivered and as consideration for the cash to be paid by it to Northern States.

After the transactions proposed herein have been consummated, the excess of Northern States' investment in securities of St. Anthony and Mill Company over the aggregate of the principal amount and par value of the securities will be increased from approximately $573,000 to approximately $1,682,000, of which Northern States proposes to charge $1,295,214 forthwith to its paid-in-surplus.

Concurrently herewith applicants-declarants St. Anthony and Mill Company have filed statements relating to the original cost of their electric properties and to the reclassification of their hydro-electric plant accounts, together with a proposed plan for disposition of the adjustments arising from such reclassification (File No. 71-14); which proposed disposition is conditioned upon the issuance by the Commission of an order approving the transactions proposed herein.

Such application-declaration having been duly filed, and notice of its filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the transactions proposed will serve the public interest by tending toward the improvement of the capital structures of said companies and the economical and efficient development of the public utility system; and

The Commission finding with respect to said application-declaration as amended that the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interests of investors and consumers that said application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules promulgated thereunder, and subject to the terms and provisions of Rule U-24, that said application-declaration as amended be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-12062; Filed, Oct. 5, 1951; 8:45 a. m.]

[File No. 71-14]

SAINT ANTHONY FALLS WATER POWER CO. AND MINNEAPOLIS MILL CO.

ORDER APPROVING DISPOSITION OF ADJUSTMENTS RELATING TO HYDROELECTRIC PLANT

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1951.

Saint Anthony Falls Water Power Company ("St. Anthony"), a company owning hydro-electric facilities together with dams and water power and a subsidiary of Northern States Power Company, a Minnesota corporation and a registered holding company and public utility company, and Minneapolis Mill Company ("Mill Company"), a company owning a dam and water power and also a subsidiary of said Northern States Power Company, having filed statements relative to the original cost and reclassification of their plant accounts, as at December 31, 1940, in conformity with these specified by Electric Plant Instruction 2-D of the Uniform System of Accounts prescribed by the Federal Power Commission for Public Utilities and Licensees, which System of Accounts is applicable to St. Anthony and Mill Company by virtue of this Commission's Rule U-27, promulgated under the Public Utility Holding Company Act of 1935 ("act"), including proposals for the disposition of adjustments relating to their plant account, which proposals are summarized as follows:

The staff of the Commission, coincidentally with its examination of the original cost of the gas plant of said Northern States Power Company, the parent of both St. Anthony and Mill Company, made a field examination of the original cost of the plant accounts of both St. Anthony and Mill Company and filed its report in connection therewith as to the status of the accounts as at December 31, 1940. Copies of the report were submitted to the companies, and subsequently both companies filed statements "E", "F" and "H", in accordance with the requirements of Electric Plant Instruction 2-D, heretofore referred to, in order to give effect to the recommendations contained in the staff's report.

The total water power plant of St. Anthony per books, as at December 31, 1940, was $2,337,552.75, and St. Anthony now proposes to reclassify $613,766.24 of such plant to Account 107—Utility Plant Adjustments. The water power plant of Mill Company per books, as at December 31, 1940, was $1,749,283.96 and Mill Company now proposes to reclassify $575.00 of such plant to Account 110—Other Physical Property and $1,080,091.25 to Account 107—Utility Plant adjustments.

St. Anthony proposes to dispose of the amount of $613,766.24, as reclassified to Account 107, by charging $30,948.76 to Account 250—Reserve for Depreciation and the balance of $582,817.48 to Account 271—Earned Surplus. Mill Company proposes to dispose of the amount of $1,060,091.25, as reclassified to Account

107, by charging $166,762.46 to Account 250—Reserve for Depreciation and $893,328.79 to Account 271—Earned Surplus.

Notice of filing of such statements having been duly given and the Commission not having received a request for hearing with respect to said matter within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the proposals for the disposition of the amounts established in Account 107, in the manner described above, are consistent with the requirements of Rule U-27 of the general rules and regulations promulgated under the act:

It is ordered, That:

(A) St. Anthony and Mill Company are hereby authorized and directed to record the proposed entries on their books in order to eliminate the amounts in Accounts 107 as at December 31, 1940;

(B) St. Anthony and Mill Company submit certified copies of the entries required by paragraph (A) herein within sixty days from the date of this order.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-12063; Filed, Oct. 5, 1951; 8:45 a. m.]

[File No. 812-744]

ATLAS CORP. AND INDIAN MOTOCYCLE CO.

NOTICE OF AMENDED APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of October A. D. 1951.

Notice is hereby given that Atlas Corporation, a Delaware Corporation (hereinafter sometimes referred to as "Atlas"), and Indian Motocycle Company, a Massachusetts Corporation (hereinafter sometimes referred to as "Indian") have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of 17 (a) of the act, (1) the transactions described in an agreement dated May 29, 1951 among Indian Motocycle Company, Indian Sales Corporation (hereinafter sometimes referred to as "Sales Corporation") and J. Brockhouse & Co., Ltd. (hereinafter sometimes referred to as "Brockhouse") including the purchase by the Sales Corporation of certain property from Indian and the issuance by the Sales Corporation of 24,000 shares of its Common Stock to Indian and (2) the proposed sale by Indian Sales Corporation to Atlas Corporation of promissory notes of Indian Motocycle Company pursuant to the terms of an agreement dated July 13, 1951 between Atlas Corporation and Indian Sales Corporation.

The same Applicants and Titeflex, Inc., a Delaware Corporation have filed an Application, pursuant to section 17 (b) of the Investment Company Act of 1940, for an order of the Commission exempting from the provisions of section 17 (a) of the act the issuance and delivery of Common Stock by the surviving corporation (pursuant to a Plan of Merger of Titeflex into Indian) to Atlas and the acquisition of such shares by Atlas, in exchange for common and preferred shares of Indian, common shares of Titeflex, and certain promissory notes of those companies (the "Constituent Corporations") held by Atlas at the effective date of the merger.

Atlas is registered under the Investment Company Act of 1940 as a closed-end, non-diversified management investment company.

The Applicants have set forth that: Indian has issued and outstanding (exclusive of Treasury shares) 792,583 shares of Common Stock and 209,947 shares of preferred stock of which only the Common Stock is entitled to vote for the election of directors. Atlas owns 12,859 shares of preferred stock of Indian. Of the present directors of Indian, six in number, three are executives or employees of Atlas and the principal executive officer of Indian is likewise an executive employee of Atlas. The Sales Corporation has outstanding 1,000 shares of common stock of the par value of $1 per share and 15,000 shares of preferred stock of the par value of $100 per share. All of said 1,000 shares of Common Stock are owned by Indian and said 15,000 shares of Preferred Stock are owned by J. Brockhouse & Co., Ltd., of West Bromwich, England. Although the shares of Common Stock of the Sales Corporation are pledged as collateral with Chemical Bank & Trust Company, New York, N. Y., as agent for the holders (including Atlas) of certain Notes of Indian, Indian has the right to vote such shares. As a result of defaults in the payment of dividends of the Preferred Stock of the Sales Corporation the holders of the preferred stock, voting as a class, are entitled to elect a majority of the Board of Directors of that Corporation and the holders of the Common Stock, voting as a class, are entitled to elect the remaining Directors. Each share of common stock and each of preferred stock of the Sales Corporation is entitled to one vote per share. On the basis of the foregoing, it would appear that Indian holds with power to vote more than 5 percent of the outstanding voting securities of the Sales Corporation and that accordingly the Sales Corporation is an affiliate of Indian by virtue of section 2 (a) (3) (B) of the act. Although Indian was at one time in control of the Sales Corporation, such is not now the case. Indian no longer has power to elect a majority of the Sales Corporation directors, and although two of the six directors of the Sales Corporation are also directors of Indian, no officer or employee of the Sales Corporation is a director, officer or employee of Atlas or of Indian or of Titeflex. Since January 1951 Indian and the Sales Corporation have maintained separate offices with separate managements, and Indian neither has a controlling influence nor the power to exercise a controlling influence over the management or the policies of the Sales Corporation.

A copy of the agreement dated May 29, 1951, among Indian, the Sales Corporation, and J. Brockhouse & Co., Ltd., is filed with the application (Exhibit 9) and provides in substance that Indian will (a) transfer to the Sales Corporation tooling for certain motorcycle models, experimental models and test equipment at an agreed price of $150,000; (b) transfer to the Sales Corporation drawings, designs, specifications, trademarks, patents and good will relating to the production of motorcycle; (c) agree not to engage for ten years in the manufacture of motorcycles; (d) release the Sales Corporation and Brockhouse from contractual obligations to Indian; (e) transfer to the Sales Corporation inventory of a current market value of $200,000 and (f) change its corporate name to a name not including the words "Indian" or "Motocycle" or "Motorcycle." In consideration of the foregoing the Sales Corporation will (a) release and discharge Indian from liability on account of the unpaid balance of the motorcycle production advance made by the Sales Corporation of Indian (the unpaid balance of such advance at June 30, 1951, having been $207,580); (b) release and discharge Indian from contractual obligations to the Sales Corporation; (c) grant Indian a non-exclusive royalty-free license to manufacture and sell engines and parts and accessories therefor under all patents transferred by Indian to the Sales Corporation; (d) assume obligations of Indian under its manufacturer's warranty (exclusive of obligations under warranties in respect of which written claims have been asserted prior to the closing date); (e) release Indian from any liability for damages on account of failure to deliver motorcycles to the Sales Corporation; and (f) issue and deliver to Indian certificates for 24,000 shares of the Common Stock of the Sales Corporation. The agreement further grants the Sales Corporation an option to purchase from Indian any motorcycle parts inventory, not transferred under the contract, at the market value of such parts. The Sales Corporation is required to purchase parts inventory from Indian before buying same in the open market. Pursuant to the agreement, J. Brockhouse & Co., Ltd., will surrender all of Sales Corporation's outstanding $1,500,000 par value of Prefered Stock and accept in exchange therefor 75,000 shares of Common Stock of the Sales Corporation. Accordingly the 24,000 shares of Common Stock of the Sales Corporation to be delivered to Indian will, together with the 1,000 shares of such stock owned by Indian, constitute 25 percent of the total outstanding stock of the Sales Corporation.

The agreement also provides that Indian shall not be obligated thereunder unless, among other things, the holders of at least two-thirds of the issued and outstanding Common Stock of Indian shall have approved the sale by such company of its motorcycle business to Sales Corporation.

A copy of the agreement dated July 10, 1951, between Atlas and the Sales Corporation is filed with the Application (Exhibit 10) and provides in substance that subject to the closing of the agreement of May 29, 1951, Atlas would purchase for $155,000 certain promissory

notes of Indian aggregating $187,000 which the Sales Corporation had purchased from certain banks in 1950 for the sum of $104,661.37.

All interested persons are referred to said applications which are on file in the offices of the Commission for a detailed statement of the proposed transactions and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after October 23, 1951, unless prior thereto a hearing upon the application is ordered by this Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than October 22, 1951, at 5:30 p. m. his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-12064; Filed, Oct. 5, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18515]

CARL HEINZ TIMMERBERG AND EVA TIMMERBERG

In re: Bonds owned by Carl Heinz Timmerberg and Eva Timmerberg. D-28-10660.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Heinz Timmerberg and Eva Timmerberg each of whose last known address is Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) Associated Gas and Electric Corporation 5 percent Debenture due 1973, of $500.00 face value, bearing the number JRM-9026, registered in the name of Carl Timmerberg, Trustee for Carl Heinz Timmerberg U/D/T dated December 12, 1933, presently in the custody of F. R. Lushas & Co., Inc., 29 Broadway, New York 6, New York, together with any and all rights thereunder and thereto, including particularly all rights under a plan of reorganization of said Associated Gas and Electric Corporation which became effective on January 10, 1946, and

b. One (1) Associated Gas and Electric Corporation 5 percent Debenture due 1973, of $500.00 face value, bearing the number JRM-9027, registered in the name of Carl Timmerberg Trustee for Eva Timmerberg U/D/T dated December 12, 1933, presently in the custody of F. R. Lushas & Co., Inc., 29 Broadway, New York 6, New York, together with any and all rights thereunder and thereto, including particularly all rights under a plan of reorganization of said Associated Gas and Electric Corporation which became effective on January 10, 1946,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl Heinz Timmerberg and Eva Timmerberg, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-11964; Filed, Oct. 3, 1951; 8:54 a. m.]

[Vesting Order 18513]

HEINRICH CHRISTOFER LITZENBERGER

In re: Bank accounts owned by Heinrich Christofer Litzenberger, also known as Heinrich Christoph Litzenberger. F-28-31667.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, its is hereby found:

1. That Heinrich Christofer Litzenberger, also known as Heinrich Christoph Litzenberger, whose last known address is 22b Freinsheim a. d. Weinstrasse, Alzeyerpfad N. R. 2, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Greenwich Savings Bank, 1356 Broadway, New York 18, New York, arising out of a savings account, account number 440690, entitled Elise Dick in trust for Heinrich Christoph Litzenberger, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Fidelity Union Trust Company, Newark, New Jersey, arising out of a savings account, account number 24118, entitled Elise Dick in trust for Heinrich Christofer Litzenberger, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich Christofer Litzenberger, also known as Heinrich Christoph Litzenberger, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consulation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-11962; Filed, Oct. 3, 1951; 8:54 a. m.]

[Vesting Order 18514]

MUNEYOSHI TAKESHITA ET AL.

In re: Cash owned by Muneyoshi Takeshita and others. D-39-1480-E-1; F-39-7025-E-1; F-39-7024-E-1; F-39-7026-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Address

Muneyoshi Takeshita, No. 3-6, 2-chome Yawatahow-Cho, Shizuoka-shi, Shizuoka-ken, Japan.

Toyoaki Okuyama, 483 Nishihomura Higashiyamanashigun Yamanashi Prefecture, Japan.

Mrs. Suma Nakamura, Oaza Satsuma, Inamura, Echigun, Shigaken, Japan.

Seiiti Matsubara, Kushimoto-cho, Nishimuro-gun, Wakayama-ken, Japan.

are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $509.29 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Funds of Individuals Whose Whereabouts are Unknown", in the names of the persons listed below and in the amounts appearing opposite each such name:

Muneyoshi Takeshita	$119.09
Toyoaki Okuyama	124.19
Mrs. Suma Nakamura	120.00
Seiiti Matsubara	146.01

together with any all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-11963; Filed, Oct. 3, 1951; 8:54 a. m.]